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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION

PURSUANT TO
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PART 52

JUNE 4, 1954

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AND FRANCIS P. CARR

FRIDAY, JUNE 4, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:12 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

We will begin the morning session as is our custom by welcoming the guests who have come to the committee room and calling their attention to the standing committee rule to the effect that there are to be no audible manifestations of approval or disapproval of any kind at any time from the audience. The uniformed officers in the room and the plainclothes people scattered through the audience have instructions from the committee to remove from the committee room immediately, politely but firmly, any of you who, for reasons best known to yourselves, elect to violate the conditions under which you entered the room, which included refraining entirely from any audible manifestations of approval or disapproval.

Certainly no committee could expect better cooperation from audiences than we have had, and we hope that that cooperation will continue.

At the conclusion of the afternoon session yesterday, we were interrupted about 15 minutes before our normal recess time by a rollcall vote

on the Senate floor. Senator Jackson had a short period left of his 10-minute go-around, and advises me that he will yield that 4 minutes this morning to Senator Symington, and we will start with Senator Symington this morning. That will take us to Senator Dworshak if he is here, and then to Senator McCarthy, and we will start the go-around over.

TESTIMONY OF ROY M. COHN—Resumed

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Thank you, Mr. Chairman.

In the interest of expediting the hearings and giving the other people a chance to examine the witness, especially the Army, I have no questions at this time, but I would like to make a motion to submit to the committee, if I may.

On looking over the transcripts of these hearings for the last 2 days, I found that when Mr. Cohn was first asked about turning the names of 130 or 135 subversives in defense plants over to the Defense Department, both Mr. Cohn and Senator McCarthy felt that the Defense Department already knew these names.

Yesterday it appeared that the Defense Department did not know these names or at least that Senator McCarthy and Mr. Cohn did not know whether the Defense Department had them or not.

I share the feeling which was expressed here so vividly the other day that it is a serious and dangerous thing to permit any subversive to continue working in defense plants on defense contracts for 1 minute longer than we can help.

I myself do not propose to stand by idly 1 day or 1 hour while the names of any of these subversives which may not be known to the Government investigating agencies rest in our files. I do not believe that any member of this committee would want any one of these names to remain in our files when they are not known to the Defense Department, the Department of Justice or the FBI.

It is our duty, in my opinion, whenever we have the name of a person whom we have reason to suspect is a security risk and who may be working in any defense installation, to see that this name is immediately communicated to the proper enforcement agency.

For these reasons, Mr. Chairman, I now move that the staff of this committee and each member of the committee be instructed by this committee to immediately turn over the name of any suspected Communist or security risk to the Department of Justice and the FBI whether such Communist or security risk is working in the Defense Department, in any defense plants, or anywhere in the Federal Government.

I so move, Mr. Chairman.

Senator JACKSON. Mr. Chairman, I second the motion.

Senator MUNDT. The motion has been made and seconded. The Chair would say, and I am sure Senator Symington will agree, in fairness to our colleagues who told me this morning that two of them are on the Appropriations Committee, which is marking up a bill, who asked me if I had received any notice that anybody was going to make any motions, and to whom I said I had not, I am sure that Senator Symington and Senator Jackson will agree that we should wait for our colleagues.

Senator SYMINGTON. Indeed, Mr. Chairman. I had not noticed that some were not here.

Senator JACKSON. That is a very fair request.

Senator SYMINGTON. Could I ask the Chair to bring it up when he thinks proper?

Senator MUNDT. Surely.

Senator SYMINGTON. Thank you.

Senator MUNDT. Is that all, Senator Symington?

Senator SYMINGTON. At this time, Mr. Chairman, I will pass.

Senator MUNDT. Senator Potter has had his 10 minutes. Senator Dworshak and Senator Dirksen are marking up the appropriations bill. I don't see Senator McCarthy here, so, Mr. Welch, we have gotten to you right fast this morning. You have 10 minutes.

Mr. WELCH. Mr. Cohn, I first want to take up a preliminary matter with you in a purely preliminary way. You know, Mr. Cohn, we have sort of fallen into the custom here of asking people about their military records when they take the stand.

Mr. COHN. Yes, sir.

Mr. WELCH. Senator Dirksen at least opened up that subject with you.

Mr. COHN. Yes, sir.

Mr. WELCH. I understand you are now an officer in the National Guard?

Mr. COHN. Yes, sir.

Mr. WELCH. Mr. Cohn, there have, I think, been some articles published about you and your draft status, of which you are probably aware; are you not?

Mr. COHN. Sir, I would say articles have been published about me on just about everything, yes, sir.

Mr. WELCH. I do not wish to intimate to you, sir, that I associate myself with any of those stories, almost none of which I have read. I am sure, however, that you would like to have this opportunity, or an opportunity during these hearings, simply and quietly to state for this record, what your status has been and is.

Mr. COHN. Yes, sir.

Mr. WELCH. I knew you would say that, and I assume you would probably like to have a file available when you do so, would you not?

Mr. COHN. A file, sir?

Mr. WELCH. Yes. That is to say a file of your relations with your draft board and with West Point about something about which I have heard.

Mr. COHN. I don't think I need a file. I know the facts.

Mr. WELCH. Do you, sir?

Mr. COHN. Yes, sir.

Mr. WELCH. I think I would feel happier about it, Mr. Cohn, if we postponed it until you could get your file or look at it, for this reason, which is quite simple. I would feel very much happier if I could just press a button and have you tell the story without any prompting or any questions from me. You can see how I might feel that way, one lawyer to another, can't you, sir?

Mr. COHN. Sir, I am willing to answer any question you want to ask me now.

Mr. WELCH. I understand that. But I hope I won't ask any. I hope before we go into this matter that you will consult your file or

bring it to the stand with you, so you can reel that off to us, what your whole story has been.

Mr. COHN. Whatever you want, Mr. Welch.

Mr. WELCH. I suggest that. Would you mind, sir?

Mr. COHN. Anything you say, sir.

Mr. WELCH. And that would be perhaps this afternoon or Monday if your file is elsewhere than Washington, which I think is likely.

Mr. COHN. Sure.

Mr. WELCH. May I deal just very shortly with one other matter so that you will understand that matter. You were asked about being a partner in a law firm in New York.

Mr. COHN. That is right, sir.

Mr. WELCH. May I make it clear to you, sir, that I am in no sense critical of you on that score. Is that clear?

Mr. COHN. Well, thank you, sir.

Mr. WELCH. And may I add I am perhaps a little envious in the sense that I would have liked to have achieved that as young as you have achieved it. But it is too late for me now. I did want to ask you this: When did you first join that firm?

I take it that when you first joined that firm or associated yourself with it, the name was different than is now the case, is that right?

Mr. COHN. Yes; it was, sir.

Mr. WELCH. That is to say, Mr. Cohn, I understood that you went there first as an employee or as junior or something of that sort?

Mr. COHN. That is right, sir.

Mr. WELCH. And what was the firm name then?

Mr. COHN. Curran & Stim.

Mr. WELCH. And when did you join them, sir, or when did you go there for employment?

Mr. COHN. I think it was 1949 or 1950.

Mr. WELCH. Then what was the next name that that firm assumed? Its present one, or was there an intermediary one?

Mr. COHN. No, sir; the next name I think was its present name. I don't think there was any other name.

Mr. WELCH. And that you have stated once before, and I am sure it is no discourtesy to you to ask you to state it again.

Mr. COHN. Curran, Mahoney, Cohn, which is me, & Stim.

Mr. WELCH. I happen to know—it is kind of fun to say it—they are in downtown New York.

Mr. COHN. 29 Broadway.

Mr. WELCH. On Broadway at No. 29.

When did you become a partner in that firm?

Mr. COHN. Sir, I would have to check that and give you the exact date.

Mr. WELCH. It is not important. I am not anxious to have it critically established.

Mr. COHN. I can get that for you.

Mr. WELCH. Don't bother. Somewhere near, what would you say now?

Mr. COHN. I would say roughly a couple of years ago.

Mr. WELCH. A couple of years ago?

Mr. COHN. Yes, sir.

Mr. WELCH. So prior to your coming on this committee as counsel, you were able to and did give that committee full time?

Mr. COHN. Pardon me, sir?

Mr. WELCH. Prior to your coming to this committee as counsel, did you give that firm full time, or were you—

Mr. COHN. No, sir.

Mr. WELCH. You were in Government service, anyway?

Mr. COHN. No, sir. I don't know if you heard the answer I gave to Senator Jackson.

Mr. WELCH. I heard it, sir, but I didn't remember.

Mr. COHN. Surely. No, I have been associated with that firm since about 1950. At that time I was with the Department of Justice. Before I was associated with that firm I was associated with another firm. In other words, sir, ever since I have been admitted to the bar, I have been associated with one or another law firm. There have been a total of two. I have given to those law firms a very small portion of my time. I have given the great majority of my time to Government service.

Mr. WELCH. I quite understood that. I was wondering, Mr. Cohn, if there was any period during the time since you have been a partner in that firm that you were in a position to give the firm full time?

Mr. COHN. No, sir.

Mr. WELCH. On the other hand, I had not, I think, fully understood until I reached this courtroom that you are supposed to and do give at least full time and perhaps more than full time to this committee.

Mr. COHN. Sir—

Mr. WELCH. Maybe that was a question you didn't understand. When I reached this courtroom, I didn't actually understand that you were either required to or did give all of your time to this committee. That is a requirement, is that right?

Mr. COHN. I don't know that it is a requirement, sir. I do know what I do.

Mr. WELCH. Right, and I was going to say you not only give 7 hours a day, if that is a lawyer's day, or 8 hours, but I gather from your testimony even more than that?

Mr. COHN. Yes, sir. I think there are times—I am not in a class by myself on this. I think every staff member works nights and Saturdays and Sundays very frequently.

Mr. WELCH. Do you go to your New York office now and then?

Mr. COHN. Very infrequently, sir.

Mr. WELCH. Meaning not once a month?

Mr. COHN. I would say I haven't been there in 2 or 3 months now. When I was there before that, I might go maybe once a month, something like that.

Senator McCARTHY. Will Mr. Welch yield?

Just so there is no question about the arrangement with Mr. Cohn, No. 1, he spends much more than the average day's work with this committee. No. 2, he has agreed to allow us in effect to use his New York office for the reception of phone calls, and what have you, at no cost to the committee.

Mr. WELCH. Senator, I was not suggesting that he didn't give completely full union hours and more to this committee.

You do, I assume, have a secretary in your New York firm?

Mr. COHN. No, sir, I don't have a personal secretary.

Mr. WELCH. There is at least a staff?

Mr. COHN. Yes. There are three very capable girls. One mans the switchboard; the other two take dictation.

Senator McCARTHY. For one last time, will you yield?

Mr. WELCH. It is not the last time, but I will.

Senator McCARTHY. I thought we had a sort of mutual agreement that we would try to stick to the issues. I don't want to interrupt, which may take more time than allowing you to pursue irrelevant material. But what Mr. Cohn's law office does, as I see it, has no relevancy so far as the Army charges are concerned. If you want to pursue that, it is all right with me, but it is a cruel waste of time. I thought we were trying to get rid of this matter.

Mr. WELCH. I am dealing with it very lightly, Senator.

Now turning for a moment to Mr. Schine, he has a New York office—or Private Schine, as he is now known—has he not?

Mr. COHN. Yes, sir.

Mr. WELCH. Where is that?

Mr. COHN. Park Avenue and 57th Street.

Mr. WELCH. What is the name on the door of that office?

Mr. COHN. The name on the door?

Mr. WELCH. Yes.

Mr. COHN. It is the office of the hotel chain.

Mr. WELCH. Right.

Mr. COHN. When I say he has an office, I think he and his father have an office. Whoever is there uses it.

Mr. WELCH. I am suggesting no slightest impropriety. I assume you have at least on occasion been at that office.

Mr. COHN. Oh, I have been there; yes, sir.

Mr. WELCH. And there is some kind of staff there?

Mr. COHN. Yes, sir.

Mr. WELCH. I think it appeared in evidence from letters that the private wrote that he has a secretary at that address.

Mr. COHN. There is a secretary. I don't know whether she is his, sir, but there is a secretary there. I know that.

Mr. WELCH. Now, I want to turn the clock back, so to speak, to the time when you joined this committee and when Mr. Schine joined it. As to actual dates of arrival, when did you arrive and hang up your hat and go to work?

Mr. COHN. I don't know the exact date, sir. It occurs to me it was, I would say about the second week in January of 1950, the first or second week. Maybe it was January 6 or 7, something like that.

Mr. WELCH. 1953, of course?

Mr. COHN. Yes, sir.

Mr. WELCH. May I say, Mr. Cohn, that unless I tell you otherwise that a date seems to me of some importance to fix it critically, don't give a thought whether it is the first week or the second. On points like this I just want to know generally when that happened.

Mr. COHN. Yes, sir.

Mr. WELCH. I made a little note, that would be probably the second week in January, something like that. Is that right?

Mr. COHN. Yes, that is right; about the 6th or the 7th, I think it was.

Mr. WELCH. You came to the committee as its chief counsel?

Mr. COHN. Yes, sir.

Mr. WELCH. Did you at some time have added to the legal staff any other lawyer or lawyers?

Mr. COHN. Yes, sir.

Mr. WELCH. When was the first one added?

Mr. COHN. I don't know, sir. I would have to check the record.

Senator MUNDT. I am sorry, Mr. Welch. Your time has expired. If the witness has not answered the question which you have pending, he may answer it.

Did he answer your last question?

Mr. WELCH. Let's let it go over and I will pick it up, Mr. Chairman.

Senator MUNDT. Counsel Jenkins, have you any questions?

Mr. JENKINS. Mr. Chairman, I have only 1 or 2 questions to ask Mr. Cohn at this time.

Mr. Cohn, yesterday morning I asked you to bring to the caucus room at the earliest possible moment and file with the committee the documents, the data, the memoranda prepared by Mr. Schine at three different periods. You will recall that request, Mr. Cohn?

Mr. COHN. Surely, sir.

Mr. JENKINS. I will ask you whether or not you now have that information available?

Mr. COHN. Well, sir, we made some progress on that. Private Schine worked on that during yesterday. We looked at it again last night. I think we have to show it to Senator McCarthy again. We now have it in three tentative stacks, and I hope we will have it for you, sir, by Monday morning.

Mr. JENKINS. By Monday morning?

Mr. COHN. Yes, sir.

Mr. JENKINS. And you recall that is to be furnished in three different classifications?

Mr. COHN. Yes, sir; that is the way we are trying to do it.

Mr. JENKINS. I had understood, Mr. Cohn, and perhaps erroneously so, that you had that prepared and ready to file this morning.

Senator SYMINGTON. Mr. Chairman, may I ask what the information that counsel asks for?

Mr. JENKINS. Senator Symington, yesterday morning I asked Mr. Cohn to continue his work in the preparation of all the data, documents, the memoranda, papers prepared by Mr. Schine during three distinct periods, to wit, the period from the time that he came to the committee to the 1st of July, the period from the early part of July to November 3, the day of his induction, the period subsequent to the date of his induction on November 3, and particularly the latter classification, the purpose of the question, Senator Symington, being to enable this committee to determine from that data the amount of work done by Mr. Schine during these weekday and weekend passes insofar as the work is reflected by the data called for.

Senator SYMINGTON. I thank the counsel.

Senator MUNDT. Counsel?

Mr. JENKINS. I have no further questions, Mr. Chairman.

Senator MUNDT. The Chair will pass his time as far as questioning Mr. Cohn is concerned, because he would like to expedite the machinery which would enable Mr. Welch to get on with his questioning as rapidly as possible. But he has a question or two he would like to ask either Mr. Welch or Mr. Jenkins.

He recalls that yesterday when a monitored phone call conversation was read by Senator Dirksen, there was a fellow by the name of Karl mentioned there a couple of times, which he concludes must have been the present chairman of this committee. So we would like to have his monitored conversations, whatever they are, incorporated into the record, and I would like to ask Counsel Jenkins a question first whether he or Mr. Maner or any of his staff have my monitored conversations here, and if so, they can be made available to me.

Mr. JENKINS. Mr. Chairman, they are ready and I now hand them to the chairman.

Senator MUNDT. Question No. 2, then, I would like to ask of Mr. Welch.

I have 1, 2, 3, 4 pages of monitored conversations here. Are they all with Mr. Stevens?

Mr. JENKINS. That is our understanding.

Senator MUNDT. They are all with Mr. Stevens.

Does Counsel Welch, speaking for Mr. Stevens, have any objection if I now read my monitored conversations into the record?

Mr. WELCH. The answer is "No," but I would like to add something to what I say.

Senator MUNDT. You may do that.

Mr. WELCH. As you know, Mr. Chairman, we have two levels of monitored phone calls. There are the telephone calls between the Secretary's office and members of this committee. It would seem to Secretary Stevens and to me that the only graceful thing to do in respect to those, quite aside from what happens to any other monitored calls, is to say that they may go in at the option of any Senator. Senator Dirksen has exercised his option. It is obvious now that you wish to exercise yours. Beyond that area, we are in a situation where Senator McCarthy and I have apparently a dual difficulty. I began by starting to put in chronological order the monitored telephone calls that interested me, and we ended up by a formula signed by Mr. Stevens and Mr. Adams under which they agreed that all telephone calls between the parties may go in evidence. In justice to Senator McCarthy, I think his position, and I ought not to try to state it for him, but I think his position, is, that unless we have all the telephone calls at every level between members of the executive department, as for example, which I have heard mentioned often, as between Secretary Stevens and Lawton, none ought to go in.

We know, or I think Mr. Jenkins and I know, what the effect of the Presidential directive is in that area. So I am in the situation where I want in evidence all telephone calls that can go in evidence, or if we can't have all of those, I don't think that I want part of them, just as I understand Senator McCarthy to say that if he can't have all the telephone conversations in every area, he doesn't want any. So to state Mr. Welch's position again, which is easy for you, Mr. Chairman, it is that any Senator, including naturally and foremost, yourself, has the option to put in his telephone calls with the Secretary's Office or with Mr. Adams at will. Outside that area, I do not want sort of a sliding option by which monitored calls keep going in without some understanding between the Senator and me as to whether all go in or not.

Senator MUNDT. The Chair has a suggestion to make to you, Mr. Welch, in that connection, which occurred to him this morning while

shaving, which may be helpful. I don't know. Puzzling as I have frequently about what we can do to break this deadlock about telephone calls, and believing that the main difficulty on the part of Mr. Cohn and Senator McCarthy seems to be that they want 2 or 3 calls that they know were made and know were monitored between Stevens and Adams and Adams and Stevens, dealing with the Lawton situation, and perhaps a call which may or may not have been monitored between Lawton and Stevens or Lawton and Adams.

It occurs to the Chair that if you were to ask your clients, Mr. Stevens and Mr. Adams, in turn to request of Attorney General Brownell that he sort of declassify or include out from the executive order those particular calls, we would then be able to ask Senator McCarthy and Mr. Cohn the direct question: "Now that these calls are available that you have specifically requested, do you approve of putting in all of the calls in chronological order in conformity with the McClellan motion?"

That is just a suggestion on my part. I am not trying to put you on the spot. We are all thinking out loud, trying to find a formula. It would seem to me that both Mr. Stevens and Mr. Adams should be rather zealous about trying to get those calls in, because they want other calls in. I think if you would make that effort, it might be helpful.

Senator McCARTHY. In view of the question directed at me by Mr. Welch, Mr. Chairman, may I say that as far as any calls with me are concerned, I can see no objection to having them put into the record. I think it might be a healthy thing now if all of the Senators would agree to have their monitored calls put into the record.

I have been slightly disturbed here by the fact that while my Republican colleagues have testified under oath in regard to the conversations with Mr. Adams and Mr. Stevens, my Democrat colleagues have not yet gotten to that point. I think on monitored calls it might be well now to have all the Senator's calls put in, including mine.

As far as Mr. Cohn and Mr. Carr are concerned, I understand Mr. Adams said he had no monitored calls with Mr. Cohn. I find in discussing the matter with counsel and my staff, that there are no monitored calls with Mr. Carr until the day after I refused to accede to Mr. Adams' demand to call off the hearings.

Then he commenced to call Mr. Carr constantly. Mr. Cohn at that time had already refused to have any conversations with Mr. Adams. He and I agreed that he shouldn't in view of the misrepresentations being made about his conversations. So before I would advise Mr. Carr—may I have the Chair's attention on this—before I would advise Mr. Carr on this matter, in view of the fact that the phone conversations stated—Senator McClellan, I wonder if I could have the Chair's attention on this.

Before I would advise Mr. Carr on what he should do about those phone calls, in view of the fact that they did not start until after the day the blackmail failed, I would want to see how self-serving they are.

There is obviously a purpose in his starting to call Mr. Carr, monitoring the calls the day after the blackmail attempt failed and not before that. However, as far as my phone calls are concerned, I would have no objection to having them put in. I think it would, as I say, be a healthy thing if all of the Senators this morning would say to

Mr. Jenkins, "Go ahead and put into the record all of the phone calls with the Senators."

Senator MUNDT. The Chair is not ready to direct any of the other Senators in doing one thing or another, but he feels that since his name was mentioned in the monitored calls that were read, and since the Chair has said from the very beginning he would do the best he could to have his own personal monitored calls put in because he had been advised they had been monitored. He has never been honored by having a telephone call of his monitored before by anybody, and he has been kind of curious to know how it looks and sounds. Other people have the same curiosity. He expects to read his into the record. Each Senator will have to govern himself according to his own desires and his own intention as to what to do. The Chair would say one other thing to Senator McCarthy. Unless he is incorrect in his memory, he believes Mr. Adams in testifying here under oath said that his calls were not monitored. If you are talking about calls made from Mr. Adams, I doubt whether calls between Adams and any of the other principals were monitored.

Senator MCCARTHY. We find they were monitored, and in fairness to Mr. Adams may I say I was under the same impression. I thought that he had sworn under oath that none of his calls were monitored. I was very surprised then to find monitored calls between Mr. Adams and Mr. Carr. However, in checking the record I find that apparently he was referring only to monitored calls with Mr. Cohn. He said those with Mr. Cohn were not monitored.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. Mr. Chairman, I remind you and the other members of the committee that yesterday morning when the monitored calls came up and we were discussing them, before Senator Dirksen placed his calls in the record, I announced that my calls were going in before these hearings concluded. I did not place my calls in the record yesterday because there was no proper or legal way to do it at that time.

I now call your attention to the fact that the proceedings you are now proposing are irregular, in that you are placing these monitored calls in the record without them being under oath, without them being sworn to, and if there is a conflict of testimony, this part of the record would not be under oath and therefore you could not prosecute anyone for perjury on it insofar as these monitored calls are going in the record in this fashion.

In order to make the proceedings proper and legal from every standpoint, technical and otherwise, I think it advisable to immediately call the gentleman—what is his name?

Mr. JENKINS. Lucas.

Senator McCLELLAN. Who monitored the calls, who made these notes, and place him on the stand and place these monitored records of calls under oath so that they will be legal testimony before this committee.

Therefore, Mr. Chairman, in order to make the proceedings legal, in order to make them proper, I move that we immediately call for the presence of Mr. Lucas, and that this witness be temporarily removed from the stand and Mr. Lucas be placed there to testify under oath to these monitored calls.

When you do that, if you do that, I will be the first one to offer mine. I am going to place them in the record. I want to place them in the record legally and with all the force and effect of sworn testimony. I do not want to place them in the record, unless I have to, in the fashion that is now being proposed.

So I move, Mr. Chairman, that immediately we call Mr. Lucas to testify under oath with respect to these records of monitored calls.

Before you pass on the motion, I want to make one other observation. There is a statement here—and I assume it is accurate—that there are monitored calls between Mr. Adams and Mr. Stevens, parties to this controversy. Mr. Chairman, there is no Presidential directive that prevents those calls from going into this record so far as I know. Mr. Lucas should be called here and required to produce those monitored calls, because I understand the Army consents to them.

Do you not consent? Is that my understanding?

Senator MUNDT. If the Senator will yield, I think Mr. Welch told us yesterday he construed the Executive order to include those specific calls.

Senator McCLELLAN. Mr. Chairman, I don't care what construction is placed on that order. As between the principals to this controversy, there is no Executive order that could bind this committee except insofar as it is conversation as to extraneous matter. You have let them sit here and testify day after day, Adams and Stevens, what each told the other. Certainly you can get it in a monitored call.

I shall seriously protest any decision of this committee or any party to these proceedings that would undertake to keep the monitored calls between Adams and Stevens out of this record. They are entitled to go in.

Senator JACKSON. Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator McCLELLAN. I have a motion before you that I want action on.

Senator JACKSON. Mr. Chairman, I wish to second the motion and back up my distinguished colleague, Senator McClellan. I think very clearly insofar as there are telephone calls between the principals to this controversy, whether they are within the Army or between the Army and the Hill, that those telephone calls should go into the record. Under ordinary circumstances the Executive order might apply, but I feel that the executive branch waived their right when they permitted Secretary Stevens and Mr. Adams to testify with reference to conversations between themselves.

If they can testify to conversations that occurred between themselves, I think it follows very simply that they should not be denied the opportunity to present in evidence the written record of telephone conversations between themselves.

I sincerely hope that the executive branch will understand the distinction I am now making. I am not talking about possible conversations, for the moment, between Mr. Adams and Mr. Stevens and people within the executive branch who are not parties to this controversy. For the moment I am referring to the conversations that took place between the principals. I think it is an important distinction, and I do hope that the executive branch will realize the simple justice of that.

I also believe, as Senator McClellan has just stated, that if we are going to handle these telephone conversations, the monitored conversations, in an orderly fashion, let's do it so there will not be any question later.

All of the testimony going into this record is under oath, and I think that these conversations, the monitored conversations, should likewise be submitted under oath. I am sure that we can expedite the proceedings, Mr. Chairman, if that is done without delay. I heartily second the motion made by Senator McClellan.

Senator MUNDT. The Chair has heard the motion made——

Senator SYMINGTON. Mr. Chairman, the distinguished senior Senator from Arkansas has given me permission to speak on this motion.

Senator MUNDT. Has the distinguished Senator from Arkansas taken over the chair now?

Senator SYMINGTON. I beg your pardon.

Senator McCLELLAN. Mr. Chairman, I certainly haven't. I don't want any implication of that. You know that isn't true.

Senator MUNDT. I was curious to know how it happened. The Chair, of course, will be happy to recognize Senator Symington.

Senator McCLELLAN. I think it was a sad use of language. I am not trying to take over. I am going to help the Chair if I can occasionally.

Senator MUNDT. I need all the help I can get.

Senator Symington.

Senator SYMINGTON. Mr. Chairman, with respect to my monitored telephone calls which the counsel for this committee has now given me and which I have read, I would like at this time to present my position.

Secretary Stevens and General Ridgway came to see me. They told me, or rather Secretary Stevens specifically told me that the action of this committee was hurting the morale of the Army in this country and all over the world. He reminded me that I was a member of the Armed Services Committee, and without getting into any details of the conversation with the Secretary of the Army, he asked for my help. I did my best to give him the best advice that I could.

The next day I find that my first monitored call was one from him in which he told me that he had been subpoenaed and asked my advice. My unfortunate problem at that time—it was the next day or 2 days later—was that I was leaving for Europe with Senator Bridges on a bipartisan investigation of our setup in Europe. Therefore, I told him that I would do my best with Senator McCarthy and the staff and the committee itself to prevent any hearing with respect to the Army until I returned in 2 weeks.

It would be possible that some of my calls might be misconstrued. I believe I called the next day from New York after reading something in the paper. That was the day I did leave for Europe. I believe it would be possible that some of my calls might be misconstrued unless they were put into the record along with the calls which were made to Mr. Stevens by Senator McCarthy and the staff.

Specifically, the reason that Secretary Stevens called me the first time was the result of a telephone conversation that he had had with Senator McCarthy, or at least that is what he told me in the call.

Now, Mr. Chairman, I have in front of me a document which I am allowed to read into the record with the approval of the chairman, and it states:

The undersigned hereby consents to the introduction in evidence of transcripts of all monitored telephone calls between Secretary of the Army Robert T. Stevens, or John G. Adams on the one hand, and Senator Joseph R. McCarthy, Roy M. Cohn, Francis P. Carr, or G. David Schine on the other hand, and transcripts of all monitored calls between the above-mentioned Stevens and Adams and members of the Senate Permanent Subcommittee on Investigations whose signatures are affixed below. This agreement becomes effective when all of the above-named principals to the controversy now before the subcommittee shall have signed this consent, and it is delivered so signed to the subcommittee counsel.

The first signature is Robert T. Stevens, as of May 25. Across from him is John McClellan, as of May 26.

Then the next line, John Adams, May 25. Across from him, Charles Potter, May 26.

The next line is Karl Mundt, May 26. Across from him Everett Dirksen, May 26.

The next line is Henry M. Jackson, May 26. On the next line is Stuart Symington, undated, although I believe I signed it the same day and just did not put in the date.

On the next line is Henry C. Dworshak, undated, although I think he signed it the same day as the other Senators.

Thank you, Mr. Chairman.

Senator MUNDT. The Chair has no desire to precipitate a long controversy in his earnestness to get his own monitored conversations into the record. If Senator McClellan feels it would be better on some other basis, to have Mr. Lucas first swear that he took them down, the Chair would have no objection to that, and if the Senator would change his motion so that we would call Mr. Lucas immediately after lunch, so we will not lose any time, if the Senator would do that, the Chair would happily defer putting in these calls until after lunch.

Senator McCLELLAN. I did not have in mind to delay the proceedings. I would like to send for him immediately; or do something about him immediately. I meant if possible that you put him on at 2 o'clock. I may say to the chairman I may have to leave at 3 o'clock and I certainly want time then to get mine into the record.

Senator MUNDT. The Chair would say if he can come sooner, we would like that.

Senator McCLELLAN. I would like to hear an expression from the counsel of the committee regarding this matter.

Senator MUNDT. If you will change the motion so that we can put him on as soon as possible; we will send for him now.

Senator McCLELLAN. All right.

Senator MCCARTHY. Mr. Chairman?

Senator MUNDT. Mr. Lucas will appear as soon as he can arrive and Mr. Cohn has stepped down.

Senator MCCARTHY. Do I hear the motion restated in its final form?

Senator MUNDT. The sense of the motion in its final form as made by Senator McClellan and seconded by Senator Jackson is that we will send for Mr. Lucas, and upon his arrival, Mr. Cohn will step down and Mr. Lucas will testify under oath that what he has given me is a true and correct copy of my monitored conversations and he will do the same for Senator McClellan if he wants him to, or anybody

else, so that they will be in proper legal form and can go into the record.

Senator McCARTHY. In other words, he will testify on any monitored calls where the party in interest requests him to testify, is that correct?

Senator MUNDT. I am going to ask him if this is the truth that he wrote down and if he says yes, I am going to read it into the record. If he says no, I am going to read it in anyhow. He gave it to me.

Senator McCLELLAN. May I say to the Senator from Wisconsin I am not at this time necessarily undertaking to settle any issue or controversy over any calls in dispute. What I am trying to do is to get those into the record that are going into the record, get them in there in legal form and under oath. If I just place my calls into the record, read them into the record, I can't cross-examine anybody about them, to make them explain or make any statement about them that might be relevant. I want the opportunity to have the man that monitored to swear that it is correct.

Senator MUNDT. The Chair would like to put the motion. If it passes, he will defer reading the calls until Mr. Lucas testifies. Those in favor of the motion, say aye; contrary no. The motion carries. I hand back the monitored calls, and yield the balance of my time.

Mr. JENKINS. Mr. Chairman, just one suggestion to expedite matters. I am addressing my remarks to Mr. Welch now, or Colonel Murray.

Will you please, Mr. Welch, either through Colonel Murray or one of your aides, have not only Mr. Lucas called to come to the caucus room immediately, but also Mr. Rhodes and Miss Pike, who I understand took one or more of these monitored telephone conversations between members of the subcommittee and Mr. Stevens? Those three we want present.

Mr. WELCH. They will be here, naturally. May I inquire, Mr. Jenkins, whether or not you have in mind putting this testimony in when those witnesses reach here or after the adjournment?

Mr. JENKINS. Mr. Welch, we have in mind having Mr. Cohn step aside—some of the Senators may not be here this afternoon—at which time Mr. Lucas will be asked to read into the record such monitored telephone calls as each Senator on this committee desires. And it has reference only to monitored telephone calls between the members of this committee and Mr. Stevens.

Mr. WELCH. Could I inquire of Senator Symington whether or not the signature of Senator McCarthy appears on the paper from which he read a few minutes ago?

Senator SYMINGTON. No, sir; it does not.

Mr. WELCH. Or Mr. Cohn?

Senator SYMINGTON. No, sir; it does not.

Mr. WELCH. Or Mr. Carr?

Senator SYMINGTON. No, sir; it does not.

I read it into the record here with the approval of the chairman as a photostatic copy of the people who are willing to have their calls made a matter of public record. I want to say at this time, if I may, that inasmuch as I am in a rather peculiar position against the other Senators, in that I am on the Armed Service Committee, and the strength and morale of the American Army along with the Army and Air Force are an important part of my functions as a Senator, I believe

it only fair, and inasmuch as Mr. Stevens came to me as a member of the Armed Services Committee and inasmuch as the first call that he made to me was based on a conversation he had just had with Senator McCarthy, I believe it is only fair that at the same time my calls go into the record, which I have now seen, the calls of the other principals, all calls, are placed into the record.

Senator MUNDT. Did you get an answer to your question, Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, may I state this, Mr. Chairman: There is no binding obligation on the part of any member of this subcommittee to introduce in evidence his monitored telephone calls. I think Senator McClellan is entirely correct in his position that the legal way to introduce these calls is by the sworn testimony of Mr. Lucas. That motion has been passed. The purpose of having Mr. Lucas here now is that each individual member on the committee who desires his calls to be introduced may present his calls to Mr. Lucas and have them introduced as sworn testimony.

Senator MUNDT. That is understood. I would suggest you have Mr. Collier, of our staff, call the three people you have in mind and ask them to be here as soon as they can.

Mr. JENKINS. Mr. Chairman, we can get that accomplished a little more expeditiously, if Mr. Welch will have Mr. Murray do that. Is that being done, Mr. Welch?

Mr. WELCH. Mr. Jenkins, the absence of Colonel Murray makes me confident that he has gone to call those people. I do, however, wish to say this: If Mr. Lucas takes the stand, it will be the second time he has taken the stand in an effort to put these telephone calls in evidence. I think when he is on the stand we should settle once and for all what are going in and what are not going in, if any are not going in.

Senator MUNDT. The Chair once again, I am sorry, will have to remind Mr. Welch that the conduct of the hearings is in the hands of the committee and our counsel. We welcome your suggestion, but will have to continue to run these committee hearings on the basis of the committee determinations, Mr. Welch.

The Chair wants to get his own transcript into the record; he is going to do it, and if Mr. Lucas is here, that much is going to be accomplished whether anything else is or not.

Mr. WELCH. Mr. Chairman, I am sure you didn't think I was talking against that idea. But I did want to say one or two more words, if I may.

Senator MUNDT. You may.

Mr. WELCH. The question of the impingement of the Presidential directive on these telephone calls is a very heavy question for a lawyer sitting in my position or any lawyer sitting in this courtroom. As I recall it, Mr. Jenkins, some 2 or 3 days ago there was, I think, at least a suggestion that you consult with the Department of Justice on this point as to whether there would be any relaxation of the Presidential order if one is required, to let all these calls in.

I do not know whether I am entirely correct in that memory or not, but I think perhaps you were. In any event, may I continue, sir?

If there—as I sit here, I know of no modification of the Presidential order. The area of its impingement is something that I would prefer to be measured by wiser men with more authority than I possess. I have a view as to what it means, but I would greatly desire, television

being as wonderful as it is, that if the Presidential directive is to be interpreted by any lawyer in this courtroom when Mr. Lucas testifies that the Department of Justice send a representative over to take that responsibility.

Mr. JENKINS. Mr. Chairman.

Senator MUNDT. Mr. Jenkins, pardon me just a minute.

Mr. Welch, the Chair would like to restate his request of you if he may. One of the difficulties has been in connection with all of these monitored telephone calls; they were subpoenaed a long, long, long time ago. Long after they were subpoenaed and not delivered, the President's Executive order was issued. In the interim, we did not get the calls between Mr. Stevens and Mr. Adams and Mr. Adams and Mr. Stevens, and between General Lawton and Mr. Adams or Mr. Stevens. They never were delivered even prior to the Executive order of the President, which is a matter of some concern to members of the committee. In an effort to break this logjam, I think your suggestion about having an Attorney General's representative either here or having him communicate directly with Mr. Jenkins, is an exceedingly good one.

The Chair would like to ask you whether you think my suggestion has any merit, when I suggest that in an effort to break this logjam you be good enough to ask Mr. Adams to ask Attorney General Brownell whether he will not follow the suggestion made by Senator McClellan and by other members of the committee, Senator Jackson and by the Chair, and ask the Attorney General not to include in the Executive order these few particular phone calls so pertinent to the case.

The Chair believes if you will nudge Mr. Stevens a little, and if he will nudge Attorney General Brownell a little, maybe the combined nudging will open up this logjam and we can proceed. You have a very good mind and a nimble tongue, and I have very great respect for you as a nudger.

Mr. WELCH. Mr. Chairman, I cannot believe any nudge would equal in power the nudge that you have now delivered by saying what you have said, no doubt overheard at some point in the office of the Attorney General. Whether or not the situation that exists—

Senator MUNDT. My nudge was directed at the Office of the Secretary of the Army. And if you would nudge in that direction, I will certainly nudge as much as I can in the Office of the Attorney General.

Mr. WELCH. I am now turning to my left, where sits my trusted friend, Colonel Murray, and I am uttering the word "nudge."

Senator MUNDT. Thank you, sir.

Senator JACKSON. Mr. Chairman, before we dispose of this phone-call matter—I think it is important, too—I want to say this, that I am not convinced under existing decisions, under existing law, that consent of both parties is necessarily required in connection with the release of the telephone calls.

Now, the Supreme Court decision in 1942, *Golden v. United States*, while the Court did not pass directly on this question, in its dicta the Court said the word "intercept" as used in the Federal Communications Act, and I quote:

Indicates the taking or seizure by way or before arrival at the destined place. It does not ordinarily connote the obtaining of what is to be said before or at the moment. It leaves the possession of the proposed sender after or at the moment it comes into possession of the intended receiver—

reciting certain cases. The overhearing of a conversation by one sitting in the same room is not interception under the Federal Communications Act, according to the Supreme Court in that case.

In *United States v. Sullivan*, which was a decision by Judge Holtzoff in 1953, I quote the pertinent part of it:

It could hardly have been the intention of Congress to prohibit the practice which is frequently followed for entirely legitimate purposes in which one of the parties to a telephone conversation permits another person, generally a secretary, to listen to it and to make notes of what is said. An unequivocal expression on the part of Congress to preclude a person from permitting his secretary to listen to his telephone conversations would seem to be required in order to stop this practice.

In other words, Judge Holtzoff said that under existing law it would require an act of Congress to prohibit this practice, that is, the interception by the secretary in the office. That is exactly the situation we have here.

Judge Holtzoff goes on to say:

Congress could not have intended to enact a ban on harmless recognized practices that are in the interest of accuracy and efficiency. Inasmuch as the use of decoys and the employment of artificial stratagems in the detection of crime has been approved by the Supreme Court—

quoting a decision—

it would be incongruous and untenable to say that any decoy, artifice, or stratagem may be used provided it does not involve the telephone.

I want to make this statement at this time, because this matter of introducing the telephone conversations has been kicked around since about the second day of the hearings, Mr. Chairman, and I also want to add—

Senator MUNDT. Counsel advises the Chair that he has prepared a brief, and so has Mr. Welch, and all the cases you have mentioned have been in the brief.

Subsequent to that, there has been a decision by the United States Court of Appeals, which is the highest court to have ruled on it so far, which upholds the position of Mr. Welch and Mr. Jenkins. The point has been ruled on.

Senator JACKSON. Mr. Chairman, the Sullivan case has not been overruled, to my knowledge, and I also would like to add this: We are in an entirely different situation in this proceeding. This does not involve the introduction of evidence in a courtroom or a court proceeding. This involves the introduction of monitored telephone calls in a congressional hearing.

I realize there is no specific precedent on this point, but I think the situation is entirely different in the cases that have been referred to previously.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Can we get on with the questioning? I wish we could have some questions of the witness. We have passed a motion on this. We are going to have Mr. Lucas testify. We are going to get the transcripts in, the ones the Members of the Senate want to have in, at least, insofar as their own conversations are concerned, this afternoon.

Mr. Symington?

Senator SYMINGTON. Mr. Chairman, suppose that Secretary Stevens—after all, I am trying to approach this thing from the stand-

point of plain, commonsense—suppose Secretary Stevens, like Governor Byrnes of South Carolina, knew shorthand and had monitored his own telephone conversations, would he be allowed to use his own monitored telephone conversations when he came before this committee and make them a part of the record?

Senator MUNDT. The Chair will say we have plenty of realistic problems here without being called upon to rule upon a purely hypothetical one. There has to be a third party before a conversation is monitored. There would be no third party there. Of course, he could report on his own notes.

Senator SYMINGTON. I think my question is far more realistic than some of the legal claptrap we have been listening to this morning.

Senator MUNDT. I am glad that the Senator from South Dakota, not being a lawyer, has not engaged in that.

Senator SYMINGTON. I am not referring to anyone in particular, but from the standpoint of commonsense, again I ask the counsel to this committee whether, if Mr. Stevens, the Secretary of the Army, knew shorthand, as we all know Governor Byrnes, of South Carolina, did, he would be allowed to introduce his own monitored telephone conversation into a hearing where his integrity was at stake, or wouldn't he?

Mr. JENKINS. Mr. Chairman, it is a great deal of pleasure to answer the question asked by Senator Symington.

Senator SYMINGTON. I thank the gentleman.

Mr. JENKINS. That, Senator Symington, would not come under the category of a monitored telephone call. A monitored telephone conversation connotes the idea that some third party is on the line.

The questions which have just been presented to this committee and which, I might say, have been renewed before this committee, I thought had long since been settled. Mr. Welch, of the Army, and I, representing this committee, conferred with respect to the legality or illegality of the introduction of monitored telephone calls in our first conversation at the Pentagon long before these hearings started. Under title 47, section 605 of the United States Code, we came to the conclusion that before monitored telephone calls could be legally introduced, the consent of the parties to that conversation must first be had and obtained.

In addition to that, Senator Symington and members of the committee, I sought and obtained the services of one of the leading law firms in the United States. That firm briefed that case for counsel for the committee. All of the cases cited by Senator Jackson this morning were in that brief.

I might say that the district court of the United States has upheld your position, Senator Jackson. I might say that a higher court, the United States Circuit Court of Appeals, has upheld the opinion given by Mr. Welch and myself and, incidentally, by counsel, for Senator McCarthy.

There certainly is no disposition on my part—and I want to make it perfectly clear—to interpose any legal objection to the introduction of these monitored telephone calls, and I am sure that reflects the sentiment of the members of this committee.

I do not want to be made a party to a violation of the law, nor do I want any member of this committee as a client of mine to become a

party to a violation of the law. I am sure that reflects the sentiments of counsel for the Army.

Personally, I wish it were possible now at this moment to introduce them and present as evidence each and every monitored telephone call, but I don't think that it is legal to do so. I am sustained by the opinion of lawyers whose opinions I value greater than my own.

I want to add this, Mr. Chairman, and then I am through. Insofar as the present pertinent inquiry is concerned, the question of the legality or illegality of the introduction of monitored telephone calls is not germane, it is moot. We are now having Mr. Lucas and his two assistants brought to this caucus room so that, pursuant to Senator McClellan's motion, such members of this committee as so desire may legally introduce in evidence the calls between themselves and the Secretary of the Army.

Senator POTTER. Mr. Chairman.

Senator JACKSON. Will you yield on this, Mr. Jenkins?

Senator MUNDT. Senator Potter?

Senator POTTER. Could we not save time—

Senator MUNDT. I hope so.

Senator POTTER. If the members of this committee who care to have their monitored telephone calls made public, could read the monitored calls into the record at this time when Mr. Lucas or members of his staff appear before the committee, they then could swear to the calls.

Senator JACKSON. They would have to reread them into the record.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator McClellan thought the other procedure would save time. I am not sure about that. But if it makes it legal I want to do it that way anyway.

Senator SYMINGTON. Mr. Chairman, I greatly respect the opinion of the distinguished counsel of this committee. I believe he will see part of my problem however in that our counsel for whom I know he has great respect, the counsel for the minority, disagrees with him. I also have an informal brief which I will get in the form of a formal brief from one of the great law firms of the United States which says in their opinion the position taken by the counsel in this case is wrong. I know he agrees with me that lawyers can disagree.

With respect to my telephone calls I want to make my position very clear. Senator McCarthy, the minute that you put your calls in, inasmuch as Secretary Stevens call to me was based on your call to him, I believe, within a matter of minutes, based on what I have now seen—at the minute that you put your calls in I would be glad to put mine in. I feel sure the Senator would not want me to put mine in—

Senator MCCARTHY. Do we have both Senator Symington's and mine?

Senator SYMINGTON. I will be glad to put my calls in at the time that you and Mr. Cohn and Mr. Carr put your calls in.

Senator MCCARTHY. You are qualifying it a bit now.

Senator SYMINGTON. No. I say all principals. I am a little surprised that there seems to be such a great interest on the part of you and your Republican members of this committee to get the telephone calls of the committee members as against the telephone calls of the principals.

Today, the minute that every principal in this case—Senator McCarthy, Mr. Carr, and Mr. Cohn—put their calls in, I will be very glad to put mine in at the same minute.

Senator McCARTHY. Mr. Chairman, there is such a thing as an offer and acceptance. I am going to accept Senator Symington's original offer with the court—

Senator SYMINGTON. You were speaking for your side, and I meant all the principals. I have taken a great deal from you during these hearings, and to the best of my knowledge, I have said nothing about you in any derogatory fashion, despite some of the remarks you have made with respect to my activities. Now Senator McCarthy, you know that when one speaks of you, just like when one speaks of Mr. Stevens, one speaks of you and the two principals with you and Stevens, and the principal Adams with him. I repeat, the minute that you put your calls in and those of Mr. Cohn and Mr. Carr, I will be very glad to put my calls into the testimony.

Senator McCARTHY. You made a point there, Stu, if you will let me accept your offer.

Senator SYMINGTON. Let's keep this on a formal basis, because this is a very fundamental matter with me.

Senator McCARTHY. Senator Symington, you made a point there. Let me accept it, if I may. You made the statement that the reason you were holding out your call was because it was based on a call to me.

Senator SYMINGTON. I am not holding out my calls. I signed a statement saying my calls could go in, and you have not signed a statement saying your calls and those of Mr. Carr—Mr. Chairman, I think this is a colloquy where each person should be allowed to speak the truth.

Senator MUNDT. You can address the Chair. We cannot interrupt the proceeding. You know that, Senator Symington, you are a member of the parliamentary body. I think there should be some semblance of order in this hearing. Senator McCarthy will answer it. If you want to ask him to yield, you may do so.

Senator McCARTHY. I certainly appreciate the Chair's ruling. I sat here for an hour now listening to statements, I have not interrupted anyone. And if Mr. Symington would let me finish my statement, I would be glad to. He made the statement in the record, it is clear here, I believe, that the reason he would not put in his calls was because it was based upon a call to me, and the minute I put in my calls he would put in his. He has qualified that to add other individuals. I assume that the reason is that he wants the calls by the other individuals made prior to the ones made to him. I tried to accept his original offer. If he wants the calls that were made prior to his call, by either Mr. Cohn or Mr. Carr, I am sure that I can get them to agree to have those put into the record. There is some very serious question in my mind as to whether we should put in calls having to do with the Lawton case, the attempted breaking of Lawton, unless we have the calls in about which Mr. Stevens and Mr. Adams testified the other day. I think that someone should and perhaps the Chair should do it, call the President and point out to him that these calls have all been testified to. There can be nothing sacred about them anymore. He should be urged to change his order. I may say I think the Chair might have more influence than I would have. But I would say to Senator Symington if, as he said, his call was based—

his call of February 20—was based upon a call that I made, if he says the minute that call is put in, his will be put in, I will ask counsel to go down and get those calls, No. 1. And, No. 2, Mr. Chairman, I think we should clear up the implication in Senator Symington's question, I am sure it wasn't deliberately done—he asked the question of whether or not Mr. Cohn, Mr. Carr, and I had signed the document which he drafted. I have not signed any of Senator Symington's documents.

However, I would like to make it clear at this time, if I may, that we requested the Defense Department long before Senator Symington did, to give Mr. Jenkins all of the calls by Mr. Adams, or, rather, by Mr. Cohn, Mr. Carr, myself, all of those relative to this case. Those calls have been in the possession of Mr. Jenkins weeks before Senator Symington drew up this document of his. Could I get a confirmation of that, Mr. Jenkins?

MR. JENKINS. Senator McCarthy, what you have said conforms to my recollection.

Senator McCARTHY. I thank you.

Senator SYMINGTON. Mr. Chairman?

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Now, let's clear this matter up once and for all. Regardless of the recollection of the counsel of this committee, he knows and I know that what Senator McCarthy signed gave him a right to look at the calls and the committee members and did not give any right that the calls would be published and made a part of the record for the people to see. That is the first point that I would like to make.

The second is that the statement that I drafted this resolution is not true. The resolution was presented to me at an executive hearing, and I simply signed it along with everybody else. I don't know who drafted it. I haven't got the faintest idea. Who did draft this? Does anybody know?

MR. WELCH. A man named J. N. Welch drafted it.

Senator SYMINGTON. All right. And I signed it. I am beginning to wonder why it is that inasmuch as I signed as long ago as the 26th of May I am beginning to wonder why it is that Senator McCarthy is so anxious to put the opprobrium on this not putting your calls in on the Democratic Senators, and why it is that he doesn't want Mr. Carr's and Mr. Cohn's telephone conversations in this record.

We have signed everything to put in everything. I will be glad to put in everything when he puts in everything. Not before and not after.

Senator McCARTHY. Mr. Chairman?

MR. JENKINS. Mr. Chairman?

Senator MUNDT. Mr. Jenkins.

Senator McCARTHY. Could I answer that?

Senator MUNDT. Mr. Jenkins.

MR. JENKINS. Let me clear up a matter, Mr. Chairman. I would not for the world do any injustice to any of the parties in interest or to any member of this committee. My recollection is that in the very beginning the proposition of Senator McCarthy and Mr. Cohn was that they would agree for all monitored telephone calls to be introduced into evidence provided all calls were introduced between the

parties in interest, between the members of this committee, and that they be introduced in chronological order, pursuant to that.

Senator SYMINGTON. Is that signed?

Mr. JENKINS. Senator—

Senator McCLELLAN. I made the motion.

Mr. JENKINS. Senator Symington, it perhaps is the result of a motion. I do not recall whether there is any signed agreement to that effect, but that proposition was made in an open hearing, and that proposition was confirmed in a letter to me from Mr. Cohn of 2 days ago, in which he stated, as I remember, that he and Senator McCarthy would be agreeable to the introduction of these calls provided they were all entered, that is, calls including calls between members and the executive, and including calls of certain dates which had not been given to me for inspection.

Now, pursuant to that, Senator Symington, and confirming what you have said, the calls were delivered to me some 15 or 16 calls, for the purpose of inspection and in order that I and the members of my staff might determine whether or not they were relevant to the issue.

That, to the best of my recollection, covers entirely the agreements, the propositions, and all matters pertaining to those telephone-monitored telephone-calls. Have I answered you?

Senator SYMINGTON. Mr. Counsel, I don't know whether you have answered me or not—

Mr. JENKINS. I think you are correct in your statement.

Senator SYMINGTON. That every member of this committee including the Senators, and the principals on the Army side, have signed a document which I have here, and which does not say anything about whether or not they are relevant. It simply says that all calls should be put in, and what I am beginning to wonder is why don't Mr. McCarthy and Mr. Cohn want their telephone conversations, relevant or irrelevant, that have been monitored, placed into the record.

I would put this in the record, except it is already in the record. Any time that the principals in this case want to put all their calls in, relevant or irrelevant, that have been monitored by the office of Secretary Stevens, I will be very glad to have my calls put in.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. The Chair is going to recognize, now, Senator McCarthy, in an effort to keep some equilibrium between the parties in interest and recognize nobody else on the subject of phone calls.

Everybody has said 3 or 4 times where they stand on that. It doesn't get clearer by repetition. What the Chair is endeavoring to do is to get his own calls in without strings attached. He doesn't care, he is not involved in anything else. I am sorry I brought it up this morning instead of this afternoon.

Senator McCARTHY. Mr. Chairman, I wish Senator McClellan would stay here. This will involve him also.

Senator McCLELLAN. I will be here. I may want to give you some advice.

Senator McCARTHY. I will always listen. I am not sure whether I will accept it.

Mr. Chairman, the three Republicans have gone on the stand and taken the oath as to conversations they had with Mr. Stevens and Mr. Adams. Mr. Cohn has gone on the stand, he has been on the stand now for 4 or 5 days, and he has testified and has been cross-examined

regarding conversations he had in phone calls or otherwise. I understand I am scheduled to take the stand and Mr. Carr is scheduled to take the stand. We will be open to cross-examination to answer any question about phone calls. Even though the monitoring was illegal we still must answer questions on them.

I am not going to advise the Senator from Missouri, but I do think that the public here may wonder why, in view of the fact that he was not on the committee when he had the first conversations with Mr. Stevens and Mr. Adams, why, within a matter of 6 days I believe it was, he came back on the committee. Also conversations with my esteemed friend from Arkansas, Mr. McClellan, who was not on the committee.

I know we can't subpoena a Senator, but I do think that regardless of the illegality of the monitored calls—could I have your attention, Senator Symington? Senator Symington, could I have your attention?

Senator SYMINGTON. You have my attention, Senator, but at the same time these matters are matters of legal—

Senator McCARTHY. Let's not interrupt.

Senator SYMINGTON. Is it proper for me, as you talk to your counsel, for me to talk to mine? I think you will agree that is entirely fair.

Senator McCARTHY. Where was I when interrupted?

Would you read my statement back where I left off?

(The reporter read from his notes as requested.)

Senator McCARTHY. I do think, Senator Symington, in view of the importance of this, in view of the fact that we have accomplished nothing since our Democratic friends came back on the committee, I should not say "nothing," we had a few hearings, one at which you offered Annie Lee Moss a job, that we have been tied up in these hearings ever since.

You were contacted by Mr. Stevens, Mr. Adams, we know they were trying then to call a halt to the hearings. While you may not request my advice, I would strongly advise that you take the stand and take the oath the same as I am going to do, and tell us what occurred. I would like to know, for example, whether you were asked to come back on the committee, and I would like to know it under oath, the same as I will also testify under oath.

Senator SYMINGTON. Mr. Chairman, I am not going to continue the answering of misstatements of fact that Senator McCarthy has made about me today any more than I will answer the misstatements of fact that he has made previously about me in these hearings.

I just want to say this, however, that I never had any telephone calls with Mr. Stevens until some time after I came back on this committee, and it again is amazing to me that he will go to all of these actions with respect to these telephone calls when all we want to do is to get into the record the calls of Senator McCarthy, Mr. Carr, and Mr. Cohn.

We have all signed documents that we will put our calls in—I am not sure that we should have, but I am glad to do it. We are not defendants in this situation, we are judges. But I will be glad to put my calls in. I again want to bring up the fact that this whole matter can be clarified by this document right here [indicating]. And here it is, Senator. You are talking to your counsel. I think that is proper.

Here is a document. You sign it and let Mr. Carr sign it and Mr. Cohn sign it, and all the conversations will go into the record. There it is. Everybody else has signed it except you and Mr. Carr and Mr. Cohn. Sign it now and we can end the discussion.

Senator MUNDT. Senator McClellan, you have 10 minutes.

Senator McCLELLAN. I am ready to proceed when we have quiet.

Senator SYMINGTON. I think I have a right to ask, are you going to sign that document, and Mr. Carr and Mr. Cohn?

Senator MUNDT. We have to get on with this hearing.

Senator SYMINGTON. This is a pretty important matter. Are you going to sign that document or aren't you? That is my question. Are you going to sign the document or aren't you?

Now, Mr. Chairman, don't try to get anybody off the hook here. Let's get the facts.

Are you going to sign the document or aren't you? I say that to you in good spirit. If you do, and if Mr. Carr and if Mr. Cohn sign, then all the conversations will be on the record and we can proceed.

Senator McCARTHY. If you will be quiet long enough, I will answer it.

Senator SYMINGTON. I am very quiet.

Senator MUNDT. If you will be quiet, Senator McClellan may go on for 10 minutes.

Senator SYMINGTON. The Chair is always interested, in my opinion, in your position. I am interested in it, too. Are you going to sign the document or aren't you?

Senator McCARTHY. Have you finished?

Senator SYMINGTON. I don't want to go on. I want to know if Senator McCarthy and Mr. Cohn and Mr. Carr are going to sign this document. Then we will stop talking about these monitored calls and we will put them in the record and let the people see them.

Senator McCARTHY. Mr. Chairman, I know it is a waste of time to repeat. I will just take 15 seconds to do it.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. My position is the same as it was weeks ago, and that is, I will not allow anyone to select certain calls; that if we do put in the calls, all of them must be put in, all the calls having to do with this controversy. There is no reason on earth why that should not be done. That is my position. I will sign such a document right now. I will make that agreement here on the record. That is my position today. It will remain my position as long as these hearings continue.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. You have 10 minutes, Senator McClellan.

Senator SYMINGTON. The fact remains that the record that we have all signed is not signed by Senator McCarthy, Mr. Carr, and Mr. Cohn.

Senator MUNDT. Senator McClellan has 10 minutes.

Senator McCLELLAN. This is not out of my time, either, while the witness gets back on the stand.

Now, may I suggest I started down there not realizing the Senator from Wisconsin was going to be addressing the committee. I said I was going down there to give him a little advice, and now I will make it public.

I am going to suggest that one of the reasons why I want, particularly in addition to what I have already said, Mr. Lucas here to testify is so that we can interrogate him also as to all of the calls. Whether we get them all in the record or not, we can certainly identify those that are in dispute.

I don't want to take up all of my 10 minutes' time trying to help get these in the record. I was going to suggest to the Senator from Wisconsin that we will all undertake to identify all of the calls that were monitored, and also those that they feel this Presidential directive prohibits being introduced.

Mr. Witness, Mr. Cohn, we will return to our famous document.

Mr. COHN. Yes, sir.

Senator McCLELLAN. We will start with paragraph 22. I read from it—do you have it?

Mr. COHN. Yes, sir.

Senator McCLELLAN (reading):

Failing in his tactics—

I assume you are referring to Mr. Adams—

of having the investigation halted to help him personally—

Mr. COHN. That is right.

Senator McCLELLAN (reading):

Mr. Adams next attempted to cause the chairman and personnel of the committee to end it on the ground that it was becoming personally embarrassing to Mr. Stevens, who was a very nice man who shouldn't be hurt. Mr. Adams' attempt on this basis was supported by Mr. Stevens on November 6, 1953.

Is that true?

Mr. COHN. That is true; sir, yes.

Senator McCLELLAN. Then the attempt was made prior to November 6, 1953, was it not?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You had full knowledge of it at that time?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That he was attempting to get the hearings stopped, first on a personal basis as a favor to him and, failing in that, he injected as further support of his argument an attempted persuasion or intimidation, or whatever you want to term it—he further injected the situation with respect to his boss, Secretary Stevens?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And tried to make the persuasion on that basis?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Which was ineffective, as you stated?

Mr. COHN. It was ineffective.

Senator McCLELLAN. But all these acts preceded November 6, 1953?

Mr. COHN. Yes, sir.

Senator McCLELLAN. By that time you had a pretty good idea of the tactics, as you refer to them here, of Mr. Adams, did you not, by that date?

Mr. COHN. I knew he was trying to get the hearings stopped.

Senator McCLELLAN. You knew that at that time?

Mr. COHN. Yes, sir. Senator McClellan, I might say this: This press release of October 19 which he wanted Senator McCarthy to issue, saying he was going to stop the hearing, came in between.

Senator McCLELLAN. Placing the interpretation on it that you did, and on his actions that you did, you were fully cognizant of them as of November 6, 1953?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Now we read the rest of that sentence:

When at a luncheon in his office, called at his request, he stated that if the facts he knew were fully developed, he would have to resign as Secretary of the Army.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Did Secretary Stevens or Mr. Adams make that statement?

Mr. COHN. Secretary Stevens made that. He has admitted on this witness stand that he made it.

Senator McCLELLAN. There it is not quite clear here who made it. You state now that Secretary Stevens made that statement?

Mr. COHN. Yes, sir, I heard him, and he has admitted on this witness stand that he did.

Senator McCLELLAN. I read the next sentence:

He made an appeal for the end of the hearings on the ground of his personal friendship with the chairman.

He was appealing to the chairman that day on the basis of personal friendship that he stop these hearings in order not to embarrass him and compel his resignation?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That is your statement?

Mr. COHN. That is right.

Senator McCLELLAN (reading):

Mr. Stevens was assured that there would be no effort to embarrass him personally, but that there could be no whitewash, and that the investigation and hearings would continue.

Did that seem to please him?

Mr. COHN. Sir?

Senator McCLELLAN. Did that seem to please him, that assurance which you say was given to Mr. Stevens at that time? Or was he still unhappy about the hearings?

Mr. COHN. I would say he was still unhappy, sir.

Senator McCLELLAN. So he didn't agree to that, did he?

Mr. COHN. It wasn't a question of agreement. I felt he wanted a lot, and if he could get a little he was happy with that.

Senator McCLELLAN. He wasn't satisfied with that assurance, was he?

Mr. COHN. He wanted the hearings stopped. There is no question about that, sir. He wanted us to stop our investigation.

Senator McCLELLAN. Understand these questions I am asking you are your allegations, not that I am implying that I believe all of it or any of it or none of it. I am trying to make this record under oath.

Mr. COHN. Yes, sir.

Senator McCLELLAN. No. 23. I read from it:

As a part of the attempt to halt the committee's investigation of Communist infiltration in the Army—

Bear in mind that all of these acts as testified by you and as alleged here are attempts to stop the investigation of Communist infiltration in the Army. [Reading:]

Mr. Adams frequently and Mr. Stevens on two occasions offered up the Navy, the Air Force and the Defense Establishment proper as substitute targets.

Did he do that?

Mr. COHN. Yes, sir.

Senator McCLELLAN. In other words, he wanted you to investigate the other branches of the Military Establishment, including the branch above him?

Mr. COHN. Yes, sir.

Senator McCLELLAN. In order to get the heat off him or to get someone else to substitute as a target, to use your language?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You testify that that development occurred?

Mr. COHN. I do, sir.

Senator McCLELLAN. Reading the next paragraph, "as far back as October 13, 1953," and I read from it:

On or about October 13, 1953, Mr. Adams suggested that the committee "go after" the Navy and Air Force and drop its probe of Communist infiltration in the Army.

Is that correct?

Mr. COHN. Either the 13th or the 14th, sir. On or about the 13th. I am pretty sure it was the 13th.

Senator McCLELLAN. All right. I am not trying to be exact, except to get the relative times.

Mr. COHN. I think Mr. Jenkins is familiar with that. There will be another witness who will testify to that fact.

Senator McCLELLAN. I can appreciate you might be mistaken as to the exact date, but that is relatively the correct date?

Mr. COHN. Yes, sir; and there will be another witness to testify on that.

Senator McCLELLAN. I understand.

Paragraph 25, you state that:

On or about October 21 Mr. Adams renewed his suggestion that the committee conduct an investigation of the Navy and Air Force and drop the investigation of his Department.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. How many different times during the course of your friendly social relations with Mr. Adams did he urge you to drop the investigation of the Army, the infiltration of the Communists in it, and make the Navy and the Air Force and the Defense Department your target? How often did he do that?

Mr. COHN. Senator McClellan, I can't give you the exact number of times because I know that there were occasions when he did want us to stop and go after somebody else. I can't recall the specific occasions. I recall some which other people who will testify here do recall. We have tried to set those forth specifically. There were others in addition.

Senator McCLELLAN. Let's go then to the next paragraph, paragraph 26, and be specific again:

On or about November 6, 1953, Mr. Stevens and Mr. Adams suggested that the Navy, Air Force, and Defense Establishment proper would be appropriate objects of an investigation instead of their administration of the Army, and Mr. Adams offered to supply information about them.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That is true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. I will go on to the next one and then we will come back to it. [Reading:]

On or about November 14, 1953, Mr. Adams advised that in his opinion, the time was ripe for the investigation to turn to the Navy.

Is that true?

Mr. COHN. Yes, sir, it is.

Senator McCLELLAN (reading)

On or about November 17, Mr. Stevens and Mr. Adams renewed their request that the subcommittee should investigate the Navy and Air Force.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. And I think you have the same thing in No. 29:

On or about November 30, 1953, Mr. Adams made a specific suggestion and offer of assistance in switching the committee's probe from his Department to another branch of the service.

Is that true?

Mr. COHN. Yes, sir, it is.

Senator McCLELLAN. No. 30:

On or about December 9, Mr. Adams again urged that the subcommittee begin to investigate security risks in the Air Force, and offered specific information in return for certain information he desired to use—

I guess you mean "desired to give us."

Mr. COHN. Desired from us, I think it should be, Senator.

Senator McCLELLAN. What? "From us" instead of "to us"? "Desired of us"?

Mr. COHN. It might be, "Desired from us."

Senator McCLELLAN. Which ever it is.

Mr. COHN. Yes, sir. It is our typographical error.

Senator McCLELLAN (reading):

in forestalling further investigations of his department.

Mr. COHN. Yes, sir.

Senator McCLELLAN. And 31:

As a further part of Mr. Adams attempt to impede the investigation, he sought to publish those who cooperated with the subcommittee and to silence those who were about to cooperate.

Is that true?

Mr. COHN. It is, sir.

Senator McCLELLAN. Now, let's amplify it. Tell us just what acts he did, who he attempted to punish.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Give us the whole story.

Mr. COHN. First of all, I would say, sir, the classic example——
Senator McCLELLAN. I beg your pardon?

Mr. COHN. I say, Senator McClellan, that the classic example would be Maj. Gen. Kirke B. Lawton, commanding general at Fort Monmouth.

Senator McCLELLAN. I assumed it referred to General Lawton. Go ahead and explain that and tell us any others.

Mr. COHN. Yes, sir. I don't know, sir, if you want me to repeat all of the testimony concerning General Lawton. It is detailed in the next two paragraphs.

Senator McCLELLAN. I don't care about all the details, just enough to make this record so we will know what we are talking about.

Mr. COHN. Surely, sir. As far as General Lawton was concerned, Mr. Adams was present on October 14 and heard General Lawton testify that until this committee came along, he had had no success in his efforts to get security risks, people with Communist records, out of the radar laboratories. From that point on, Mr. Adams made it very clear that General Lawton had displeased him and had likewise displeased Mr. Stevens by stating that Mr. Stevens had been derelict in performing his duty in getting these people out.

Senator McCLELLAN. They tell me my time is up. Since I want to ask you 2 or 3 other questions at this point, if you have answered now as to General Lawton—he is the principal case?

Mr. COHN. He was the principal. There were others, sir.

Senator McCLELLAN. All right. We will come back to it when I have another opportunity.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Chairman, the questions that I wanted to ask I withheld yesterday in order to give Mr. Welch all the time that he needed for cross-examination. I will waive my time now also.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Cohn, I want to revert now, if I might, to not true-false for the moment. We will come back to that, maybe, a little later. But I would like to revert now to the document you offered in evidence from Mr. Crouch.

Mr. COHN. Yes, sir.

Senator JACKSON. You stated on page 3898—if you have that handy for him, Mr. Juliana, 3898—that this document contained information, and I quote:

about the number of Communists in the military, containing information about various things the Communists had done to get their members in the military, in radar laboratories, and explaining why it was essential for the Communists for purposes of espionage, sabotage, for the purpose of recruiting other people in the military into the party to bring about this infiltration.

Mr. COHN. Yes, sir.

Senator JACKSON. Now, I want to ask you this: Where is there any information about Communist infiltration into the radar laboratories in that statement?

Mr. COHN. Well, I know we discussed with Mr. Crouch, Senator Jackson, Communist infiltration in the Signal Corps and in the radar laboratories.

Senator JACKSON. But you were referring to the document. And I read the document. The document may be interesting from a historical standpoint.

Mr. COHN. Could I see a copy of that document, sir?

Senator JACKSON. Certainly.

Mr. COHN. It is very possible that the discussion about the Signal Corps and radar laboratories is not embodied in the document. I don't know. I have not read the document in full lately.

Senator JACKSON. I have on page 3898 your testimony on the top of the page.

Mr. COHN. Yes, sir; you read that to me.

Senator JACKSON. There was submitted to this committee—not the part—

There was submitted to this committee a somewhat detailed memorandum which I have here, sir, and will not read from—

I did read from it—

containing information about the number of Communists in the military, containing information about various things the Communists had done to get their members in the military, in radar laboratories—

You were referring to the document, and that is what threw me off.

Mr. COHN. I apologize if I threw you off, sir. I think the document starts—

There are more than a thousand Communists in the Armed Forces of the United States today prepared to carry on espionage, sabotage, and any kind of disruptive activities during all-out war between the Soviet Union and this country—

and so on and so forth.

I have not read this in detail. If you tell me—excuse me. If you tell me it does not contain specific information about Communists in the Signal Corps or radar laboratories, I am sure you are right. I know that we did get such information from Mr. Crouch. If it is not in this particular document, I am in error to that extent.

Senator JACKSON. As a matter of fact, though, Mr. Cohn, to go back to this document, because you did make considerable reference to it in your testimony—

Mr. COHN. I don't believe I did, sir.

Senator JACKSON. Well, it was offered in evidence and it is the only memoranda that we have in evidence that indicated the time when the investigation of the Army started. I thought you were offering it for that purpose and to give the committee a general background of information that you had with reference to Communist infiltration in the Army.

Mr. COHN. I think you were right the first time, Senator Jackson. I think I made it clear on the record the importance attached to that particular document was the fact that it established a date on which we had underway an investigation of Communist infiltration in the American Armed Forces.

Senator JACKSON. All right, let me ask you this: Isn't it true that going through this document of Crouch that most of it relates to his trip to Europe, I mean to the Soviet Union, in 1927 and 1928?

Senator McCARTHY. Mr. Chairman, I would like to request of the Chair time for a statement to be made by Mr. Welch.

Senator JACKSON. Is this out of my time?

Senator McCARTHY. No.

Senator JACKSON. If it is urgent, Mr. Chairman, I will yield.

Senator McCARTHY. Mr. Welch had a conference over something that I think will interest the Chair, and I would like for him to make a statement on it.

Senator MUNDT. We will take one more gamble, but I hope it does not provoke a colloquy. He may make a statement.

It will not be out of your time.

Mr. WELCH. Mr. Chairman, I have a statement I would like to say, which I will be thoughtful about as I phrase it, that will save us a good deal of time. When we started the case, I think it will be remembered that I offered a telephone conversation in evidence. Senator McCarthy then said in simple English that he would not consent to any single monitored telephone call going into evidence unless every telephone call between every party in interest and between people like Stevens and Adams on the one side, and, for example, Stevens and Lawton, to name another one, would go in. And he has consistently, I must say in fairness to him, maintained that position.

I would like to be exculpated if anybody thinks there was a purposeful delay in delivering monitored telephone calls to Mr. Jenkins. I am sure Mr. Jenkins will say that he and I were so busy with work those days that between getting them out, sorted and delivered and looked at, I am sure he will quickly say there was no plan to delay their delivery.

Would you be good enough to say that, Mr. Jenkins?

Mr. JENKINS. Mr. Welch, I now fully subscribe to that statement.

Mr. WELCH. In the course of time, while we occasionally hassled in this room about what is going to happen to the telephone calls, the President's directive was issued. Senator McCarthy, who is a lawyer, and I, and I think Mr. Jenkins, agree that that directive impinges in this area, and makes it no longer possible that every telephone call between every person can be introduced. Nobody is going to say whether they are glad or sorry or anything else. That is just a fact. That is what has happened.

Now, Mr. Chairman, if we bring Mr. Lucas up and two other people and start a hassle as to what is going to go and isn't going in, we are going to face the inescapable fact that I now present.

I think the telephone calls are at an impasse which was really not the creation of anybody at this table alone. It was an impasse that was created by a series of events and that we simply failed.

Under those circumstances, it seems to me that the only solution that is open to us, which I hope will be satisfactory to all Senators, is this: that as to any and all Senators, which includes Senator McCarthy, if they wish their telephone calls in the record, they may be offered, and nobody is going to object; and that when those telephone calls are in—meaning by that the telephone calls between the Pentagon and the various Senators—we then quit hassling about telephone calls, because for once in our lives Senator McCarthy and I are in agreement to the effect that you probably can't do any more, no matter how much you study the law, how much you talk about it; that that is the limit of what can go on in in this hearing.

Have I been fair to you, Senator? If not, I beg of you to say so.

Senator McCARTHY. I think that is a completely fair statement. Let me add this to it, if I may, Mr. Welch: The President's directive apparently prevents all calls from going in. I take the position that

unless all go in, I will consent to none going in. Therefore, I agree with Mr. Welch it would be a great waste of time to bring Mr. Lucas and other witnesses down.

I would modify my position, however, somewhat to the extent that if the other Senators all want their personal calls in, I would be glad to have my personal calls in. I think Mr. Welch has stated it very, very fairly. If I might take 10 seconds, I think in view of the fact that there is no indication at this time that the President will change his directive—I wish he would—in view of the fact that there is absolutely no indication that I will change my position, it will be just a vast waste of time to bring down witnesses to testify about the number of calls, the times, the dates, and so on.

I agree with Mr. Welch in that. May I say I think perhaps it is the first time during the hearings that Mr. Welch and I have fully agreed.

Senator MUNDT. Senator Jackson?

Senator McCLELLAN. A point of order, Mr. Chairman.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. That is the way to get the floor.

I want to disagree with both counsel for the Army and Senator McCarthy if I correctly interpret what they are saying. As to whether some calls can go in or not, whether a Presidential directive precludes them, that may be true. I am not questioning that at the moment. But I do not agree with them if they are trying to keep out of this record those calls, who they were between, and whether they were monitored or not. I want Mr. Lucas on this stand for the purposes of identifying and swearing to those calls that do go in, of the Senators and others who may agree that their monitored calls go in the record, because I want them in this record legally, first; and secondly, if Mr. Lucas takes that stand, I propose to ask him to identify all other calls, date, time, and place, relative to this controversy, and name those that he concludes or that counsel concludes are within the Presidential directive.

In other words, if pertinent testimony to this controversy is denied to this committee, I certainly want them identified and the responsibility placed where it belongs.

Maybe the President is right. I am not saying he is not.

Mr. Chairman, we have the duty to try to get all the truth that we possibly can, and if the President wants to take the responsibility, I am not necessarily implying that I disagree with him. Maybe some of them should be withheld. But I want us to know that we have gone as far as we could and gotten every bit of testimony that is pertinent.

Senator McCARTHY. Will the Senator yield to me?

Senator McCLELLAN. I gladly yield, if I may do so without losing the floor.

Senator McCARTHY. May I say Senator, that Mr. Welch and I only agreed that there were two established facts. There is nothing remotely approaching any deal. We are going to be friendly enemies, I know, during this entire hearing. We only agreed that, No. 1, there is a Presidential directive which says that certain calls which I consider pertinent cannot go in. We both recognize that. I disagree with the directive. Mr. Welch may or may not.

No. 2, the other established fact, Senator, is that unless all calls go in, I will not consent that any calls go in.

No. 3, it is the ruling of the Chair that unless there is a consent, no calls can go in.

I did make one exception, however. I said if the Senators would let their calls go in, I would be glad to have my personal calls go in, but I will not let all of the calls of my staff subsequent to the time that charges were made, self-serving calls, go in unless everything goes in.

We are just recognizing a fact now. If you think something can be gained from having Mr. Lucas identify the calls, I have no objection. Both Mr. Welch and I have felt—and we are dealing at arm's length on this—isn't that right, Mr. Welch?

Mr. WELCH. We are not dealing at all. There is no deal.

Senator MCCARTHY. It is a Wisconsin expression. We are talking at arm's length. There is no deal at any time. We both felt that as long as the Presidential directive stands, as long as I take the position which I do, which I intend to continue taking, it is a waste of time to bring Mr. Lucas down—period.

Senator McCLELLAN. Mr. Chairman.

May I say this: I am not interested in a disagreement as between you and Mr. Welch. I do not address myself to you primarily as to whether or not you let your calls come in. That isn't the question. We have a duty here as a committee, and I think it is our duty, and I hope the Senator will share the effort with me, to bring in every bit of testimony it is possible to bring. If this committee sits around here and kind of weasels back and retreats from this position, certainly you are not going to be able to get any effective results from nudging.

If you want to nudge, bring it right up here to the bar and let us look at it, and then make them say, "I can't put it in." Let's get them in here and identify them so the country will know and the record will show what telephone calls that were monitored were kept out by Executive directive.

I don't know how far we can go, but we can certainly identify them. He can say under oath that "on a certain day, so-and-so talked on the telephone and I monitored that call, and it was about this matter or it had something in it relative to this controversy." Then if we cannot go beyond that, we are stymied, of course, but the record would show what is being kept from this committee and who is responsible for it.

Senator MUNDT. Senator Jackson.

Mr. Jenkins, do you want to be heard?

Mr. JENKINS. As I understand it, in order to clarify matters, Senator McClellan desires Mr. Lucas here for two purposes, and a motion has been passed requiring Mr. Lucas to be here at the earliest possible moment to legally prove the monitored calls between members of this committee and Secretary Stevens.

Such a motion has been passed. I think Senator McClellan was entirely correct that that was the legal and proper way to prove those telephone calls.

Secondly, not for the purpose of proving the context of the other monitored telephone calls, such as those that come within the ban of the Presidential directive, but for the purpose of proving that they

were monitored, which would be proof that such calls were made and, Mr. Chairman, I think Senator McClellan is entirely correct in his position with respect to that matter from the legal standpoint, and I again now, in view of Senator McClellan's position, request Mr. Welch or Colonel Murray to have Mr. Lucas and his two aides here at 2 o'clock this afternoon.

Senator MUNDT. That will be done. Senator Jackson, you have 10 minutes, the remaining part of 10 minutes.

Senator JACKSON. I understand I have about 6 minutes.

Senator MUNDT. Six minutes, all right.

Senator JACKSON. Mr. Cohn, I think we were some place with Mr. Crouch. I will try to get back to where we left off.

Mr. COHN. Surely.

Senator JACKSON. Looking over the document which Mr. Crouch submitted to the committee staff or whoever received it, isn't it true that what he is talking about occurred back in 1927 and 1928?

Mr. COHN. With all respect, Senator Jackson, I don't think you—well, what the document is is this, you have to understand this first.

Senator JACKSON. It is historical background to the tactics of the international Communist conspiracy to infiltrate the American Army and other armies.

Mr. COHN. No, sir; it is a little more than historical background. Paul Crouch happens to be the man who probably had more to do with the plans of the Communist conspiracy in this country to infiltrate the Armed Forces than anyone else.

Senator JACKSON. When did he leave the Communist Party?

Mr. COHN. My memory is he left the Communist Party after the Hitler-Stalin pact. Maybe around 1940 or 1941 or 1942. I am told by him that it was 1942 that he left.

Senator JACKSON. It would be 12 or 13 years since he left the Communist Party.

Mr. COHN. Yes, sir.

Senator JACKSON. Let me ask you this: What current information does Mr. Crouch have or did he have in 1953 on the tactics of the Communists to infiltrate the American Army?

Mr. COHN. He would have plenty, sir.

Senator JACKSON. How would he?

Mr. COHN. He would have it in this way, Senator Jackson—

Senator JACKSON. You mean he is in close touch with them since '41 or '42?

Mr. COHN. Sir, you are saying that, not me.

Senator JACKSON. I am asking you. I want to know how he would be able to offer the committee current information as to a thousand Communists in the American Army.

Mr. COHN. Yes, sir. I will be glad to tell you.

Senator JACKSON. I would like to know.

Mr. COHN. As far as Mr. Crouch is concerned, he had a key role in the Communist Party insofar as the infiltration of the American Armed Forces are concerned. He knew what they were doing, he knew the names of the people who were doing it, he knew all the personalities involved. After he left the party, he continued a close study of Communist literature, of the Daily Worker, of other Communist publications, he was in contact with other people who had detailed knowledge of the Communist movement.

Once, sir, you learn the codes, the code, so to speak, of the Communist publications and the Communist writings, and the Communist tactics, which is a word you use and which is a very proper one here, you are in a very good position to know what is going on in the Communist Party, what their line is, what their tactics are. In other words, if Mr. Paul Crouch left the Communist Party in 1942 and kept abreast of Communist literature, he would be able, much better, sir, than I could, and——

Senator JACKSON. To provide research information?

Mr. COHN. A little more than research information, sir. He could interpret the Communist line, insofar as infiltration of Armed Forces were concerned. He would be abreast of Communist policies, and Communist tactics, and Communists, by reading the Daily Worker, publications along those lines. He could tell much better than I could or someone who had not been a part of the movement, just what they were up to or just how they were trying to do it at a given time. It is something like a——

Senator JACKSON. Mr. Cohn, isn't it true that we have people in the FBI, CIA, and elsewhere, who probably keep more current than Mr. Crouch?

Mr. COHN. I don't know about CIA, sir. FBI, certainly.

Senator JACKSON. All right. The CIA is supposed to be working abroad on this problem, and the FBI within the country. You would say that there are people in the FBI who know just as much or more than Mr. Crouch about this situation?

Mr. COHN. Yes, sir, and if you would arrange for me to talk to them, it would be appreciated. We don't have access to those people.

Senator JACKSON. You don't mean to say this, do you, Mr. Cohn, that we are prohibited from talking to people in the FBI about the general conspiracy of the Communists and what they are up to?

Mr. COHN. Yes, sir.

Senator JACKSON. We are?

Mr. COHN. Yes, sir; I don't believe the FBI does have. It is the investigative branch of the Department of Justice, and I believe, sir, unless I am badly mistaken, that this committee or any committee of Congress, has no right to obtain and the FBI would have no authority to give any information, general or specific, without the direct permission of the Department of Justice in each instance.

Senator JACKSON. That may be, but Mr. Hoover has made a lot of talks, and I think he has rendered a great service to the country explaining the Communist conspiracy. I am not talking about classified documents or classified material. But I think it is general knowledge. He has testified before committees, he has made talk after talk, and I believe he has rendered a great service in explaining the conspiracy. So that information is available in general terms.

Mr. COHN. No, sir.

Senator JACKSON. Well, all right. I think I have a pretty good idea. I would be glad to read some of it into the record later if you have doubts about it, because Mr. Hoover has made talks about the nature of the Communist conspiracy and what they are up to. That doesn't involve classified information.

Mr. COHN. Senator Jackson, sir, I think I have made clear, probably by repeating it too many times just what my position is about Mr. Hoover. There is nobody in the world that I respect more highly than

I do him. He is the man above all others who has spearheaded the fight against Communist infiltration in this country. Just to finish that in one sentence, sir, if I may, the fact still remains, very unfortunately, that the FBI is not permitted to furnish to this or any other congressional committee without specific permission of the Justice Department, any information, general or specific. I wish that they were.

Senator JACKSON. Well, yes; but the Department of Justice always complies with any reasonable request.

Mr. COHN. No; they don't.

Senator JACKSON. Then, how does he make these speeches?

Mr. COHN. Well, they don't comply, sir.

Senator MUNDT. The Senator's time has expired.

Senator Dworshak?

Senator DWORSHAK. I will yield my time to Mr. Welch.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I will yield my time to Mr. Welch.

Senator MUNDT. Senator McCarthy? Do you yield your time, too?

Senator MCCARTHY. No, Mr. Chairman.

Mr. Cohn, we have had considerable conversation here about telephone calls and, as you know, Mr. Welch and I agree that as long as the Presidential directive stood, which keeps out of the record certain all-important phone calls, that I have taken the position that I would order my staff, if I have that authority, not to allow any other telephone conversations in except my own personal conversations. May I ask you this: It is correct that you and I have discussed this matter and have agreed that it would be a good service to the country, that even though this eavesdropping is illegal, nevertheless, it having been done, the President should make it available? And that would solve this question?

Mr. COHN. Yes, sir, I think if the Presidential directive were changed, it would solve the question.

Senator MCCARTHY. Just one other brief line of inquiry. We started this the other day, Mr. Cohn. That is this question of one-man committees. You discussed yesterday the legal background for that. You pointed out that in the Christoffel case, the case of a Communist who had been convicted, that his conviction had been reversed, and set aside, not because he was not guilty, but because it was impossible to prove that there was a majority of the Senators present at all the time. I think it was pointed out yesterday that a Senator may leave for a phone call to his office or for a drink of water, or some other reason, and that for that reason there was passed a rule making one-man quorum of the committee, one man, one Senator, that is.

We have had a number of one-man hearings. I think before I ask you to describe those, we should make it clear that when either Senator Potter, Senator Mundt, Senator Dirksen, Senator Dworshak was not put on the committee at all so that is the only reason why he is not included, or otherwise he would also be connected—that when they sit alone on a committee that we can't very well blame them because it is a so-called one-man committee, that if any other Senator wants to come he has an absolute right to come, and he is entitled to come.

Is that right?

Mr. COHN. Of course, sir.

Senator McCARTHY. I wonder if you would describe the so-called one-man committees conducted by this investigating committee, unless some of the other Senators want the information we will just eliminate mine for the time being.

Mr. COHN. All right, sir.

I know that in addition to their regular work, Senator Mundt, Senator Dirksen, and Senator Potter each undertook the major role in at least one important special investigation of the subcommittee. In the case of the Government Printing Office and in the case of some Army hearings, Senator Dirksen, I remember during the summer, came back to town and developed the case in executive session and in public hearings. Senator Mundt—

Senator McCARTHY. Could I interrupt you there? If the Senators had not interrupted their vacation to come back to town and conduct these hearings, the matters that were exposed undoubtedly either would not have been exposed or the exposure would have been much delayed, is that right?

Mr. COHN. There is no doubt about it, sir. In the case of Edward Rothschild who has had access to classified and secret information in the Government Printing Office, there is no doubt in my mind that he would still be there at this minute if it were not for that work done during the summer by this committee.

Senator McCARTHY. While my 3 Republican colleagues conducted hearings, while many of us were on vacation, while they were alone, there is no question in anyone's mind that any of the other 6 Senators, if they wanted to, could have come back. I think we should make it clear here we are not criticizing the other Senators. The reason I didn't attend the so-called one-man committee of Senator Potter where I think he did an excellent job, and Senator Mundt and Senator Dirksen, was because I had absolute confidence in what they were doing. But any 1 of the other 6 of us could have cut short our vacations and come back also, could we not have?

Mr. COHN. There is no doubt about that. I mentioned the one Senator Dirksen participated in. Senator Mundt came back from South Dakota and presided at hearings showing how United States money plates had been given to Russia, the Soviet Union, with the collaboration and instigation of Communists who had infiltrated the United States Government. I know that Senator Potter—

Senator McCARTHY. Could I interrupt you? It was with the collaboration of one of the top Communists, Harry Dexter White.

Mr. COHN. Harry Dexter White was involved. I believe Silvermaster was involved. A number of top Communist spies headed by Harry Dexter White were involved in this scheme to actually physically transfer by airplane United States money plates for German occupation money to Russia.

Senator McCARTHY. So in this so-called one-man committee hearing Senator Mundt exposed that we gave away our money plates, something we had never done before, on the instigation and the collaboration of a man who appeared to be a top Communist spy, and we lost roughly how much money because of that?

Mr. COHN. I don't remember the exact figure. It was staggeringly high. It was a very high figure. I think it was \$250 million. I might be wrong on that. I know, sir, it was a known fact that money plates had been given to the Russians. It had never been established just

what had persuaded the Treasury Department and the State Department to agree on this. Senator Mundt in the course of those hearings developed the fact that decisions had been made at conferences participated in, leading to the decision by Harry Dexter White and other Communist spies.

Senator McCARTHY. When Senator Mundt, Senator Potter, and Senator Dirksen came back to hold these hearings, at which they sat as a one-man committee, they of course had no way of knowing how many Senators might be present, because the staff had notified all of the Senators; right?

Mr. COHN. That is right, sir. I know the other Senators did come in from time to time. I know that Senator—

Senator McCARTHY. If you had the type of rule that the Daily Worker is advocating day after day, that you must require that there be a certain number of Democrats and a certain number of Republicans present, keeping in mind that neither Senator Mundt nor Senator Dirksen nor Senator Potter nor myself can order anyone to be present—if that rule were in effect then, let's take Senator Mundt's investigation when he came back from South Dakota. If he had found that neither I nor any other Senators were present, it would have meant, with all the witnesses there, he would have had to cancel out his hearing and could not have held a hearing until he could have induced other Senators to be present. Is that right?

Mr. COHN. That is right, sir.

The final one in answer to your question was the investigation conducted by Senator Potter on Korean atrocities, a very important and successful investigation at which Senator Potter presided for a considerable period of time.

Senator McCARTHY. Is it correct, Mr. Cohn, that while Senator Potter did spend a great deal of time, first in the preliminary work and then in the public hearings on the Korean atrocities, and wrote a report on that showing the extremely foul situation in Korea, the bad treatment of our men over there, that work is unfinished and there is now ready for hearings the balance of Senator Potter's work, namely, the investigation of American uniformed men, some of them even from World War I, held in Communist prisons, and that work is being held up by this committee hearing? Is that correct?

Mr. COHN. Yes, sir. I believe that is one of the pending matters.

Senator McCARTHY. Just one final question, Mr. Cohn. If those who oppose congressional hearings could induce the Senate or this committee to put through a rule providing that a certain number of Senators have to be present, keeping in mind that the chairman or the acting chairman has no way of forcing Senators to be present, if such a rule could be put through, would that not be a great victory, a tremendous victory for members not only of the Communist conspiracy but anyone guilty of graft, corruption, and dishonesty who was being investigated?

Mr. COHN. Yes, sir. That would be another avenue to avoid the consequences of false testimony or contempt before the committee.

Senator McCARTHY. Is it correct that this rule providing for a 1-man quorum has evolved as a result of experience over years and years on the part of Senate committees?

Mr. COHN. Yes, sir. It is not unique to this committee. Other committees I believe have the same rule.

Senator McCARTHY. Is it correct also, Mr. Cohn, that the only time this 1-man quorum rule came under attack as far as you know was not when we were exposing crooks, corruption, and graft, but it was only when we started to expose Communists and traitors in Government? That is when all of the certain elements started their all-out attack upon this rule, hoping that in that way they could immobilize the committee.

Mr. COHN. Yes, sir.

Senator MUNDT. The Senator's time has expired. You may answer the question.

Mr. COHN. Yes, sir. The answer to that is that I think it is very noticeable to anybody who follows these things that there is always a great silence when there is the possibility of the rights of people in business or labor or anything like that being investigated, but the minute Communists are being investigated, then you immediately get objections to the way the committee functions and operates. Yes, sir.

Senator MUNDT. Mr. Welch, you have 10 minutes.

Mr. WELCH. Mr. Chairman, may I inquire if anything is known about when Senator Dirksen will join us?

Senator MUNDT. Not before lunch, and we will recess for lunch at the conclusion of your 10 minutes. I think he will be here at 2 o'clock.

Mr. WELCH. I am interested because of the motion that Senator Symington made this morning, as you would understand.

Senator MUNDT. His committee meeting will be concluded during the lunch hour, and he will be here at 2 o'clock, I am sure.

Mr. WELCH. I was asking you about the addition of lawyers to your staff besides you, sir. You have assistant counsel; is that right?

Mr. COHN. Yes, sir. I believe that there are probably 2 or 3 who have the title assistant counsel.

Mr. WELCH. There are 2 or 3 lawyers, then, besides you, or more?

Mr. COHN. Let me look at the list, sir. One, two—I would say there are at least 3 or 4 who are lawyers; yes, sir.

Mr. WELCH. Can you be definite about it? I should think you could, Mr. Cohn.

Mr. COHN. I would give you a figure of five.

Mr. WELCH. Five. Do they work under your direction, sir?

Mr. COHN. Pardon me?

Mr. WELCH. They work under your direction, I assume?

Mr. COHN. They work under the direction of Senator McCarthy.

Mr. WELCH. Yes; but I mean, when it really comes to administering the offices of those lawyers, I take it you are their top boss, with a further top boss over you, the Senator?

Mr. COHN. No, sir. It doesn't go that way, Mr. Welch. There is not a clear distinction as between lawyers and investigators. Most of the boys, even though they are lawyers, will do investigative work rather than legal work. Most of the work, I would say, sir, borders on investigative work. There is not too much legal work to be done.

Mr. WELCH. Then in addition to the lawyers—five in number—how many investigators, sir?

Mr. COHN. With the explanation I have given you—

Mr. WELCH. I understand that they double in investigation and law.

Mr. COHN. The lawyers probably do a lot more investigating than legal work.

Mr. WELCH. I understand that perfectly. How many others?

Mr. COHN. I would say three who are investigators but not lawyers.

Mr. WELCH. That, of course, does not include G. David Schine, as of now?

Mr. COHN. No; it does not.

Mr. WELCH. When he was with you, did that make four such, or not?

Mr. COHN. Back at that time, sir, yes; he certainly would have been an additional one, and there have been a lot of staff changes back and forth.

Mr. WELCH. Was your staff a staff of nine, counting lawyers and investigators, when he was with you, or not?

Mr. COHN. I don't know that, Mr. Welch. I would have to get that for you.

Mr. WELCH. One thing I do want to know is whether or not when he left, you replaced him?

Mr. COHN. No, sir; we did not.

Mr. WELCH. You did not. When you were on the stand some time ago, you were asked by someone how G. David Schine happened to join the committee.

Mr. COHN. Yes, sir.

Mr. WELCH. As I remember it, you said it was a somewhat long story, but that you were one of the men who recommended him.

Mr. COHN. That is right, sir.

Mr. WELCH. It can't be too long a story, can it? Did he apply for a job?

Mr. COHN. I am afraid it is a long story, sir, but I will be glad to tell it if you want it.

Mr. WELCH. I have some interest in it. Did he apply for the job?

Mr. COHN. Sir, it wasn't quite that way.

Mr. WELCH. He didn't make a written application?

Mr. COHN. No; he did not make—he might have filled out some forms, but he did not get the job as a result of a written application for the job which he made; no.

Mr. WELCH. Then did he make an oral application?

Mr. COHN. When you say he made an oral application, sir—there were certain discussions between him and me and other people, and it resulted—it didn't involve so much his coming with this committee. What it involved was his going with an investigation of the information program, and when it developed that this committee was going to conduct that investigation, he came over with this committee.

Mr. WELCH. All right. How soon after you joined the committee did he join it?

Mr. COHN. As I sit here, sir, it was fairly soon, 2 or 3 weeks, and that information program investigation was our first major investigation.

Mr. WELCH. Had you determined that the committee needed the services of a consultant?

Mr. COHN. It wasn't that, either, sir. I would say—

Mr. WELCH. Had you or hadn't you, sir?

Mr. COHN. I don't think I sat down and tried to think whether we needed the services of a consultant or not.

MR. WELCH. That is what you took on, did you not?

MR. COHN. Sir, it was more a question of this investigation.

MR. WELCH. Can't you tell me that? You took on a consultant?

MR. COHN. The title he was given was "consultant."

MR. WELCH. That is right. Of course, you didn't give him a title that didn't fit him?

MR. COHN. That might lead to the fact, sir, our titles probably don't fit us exactly.

MR. WELCH. Your title as chief counsel certainly fits you, doesn't it?

MR. COHN. I am afraid question has been raised about that at times.

MR. WELCH. You are a lawyer, and you are the principal lawyer there. You don't have to be so modest. Obviously you are chief counsel, aren't you?

MR. COHN. It is not a question of modesty, sir. If you want to add up the questions which I have asked at hearings, you might find them in the minority rather than the majority.

MR. WELCH. You certainly—what I want to get at is this: Did you decide to hire Schine and give him a title, or were you actually looking for a consultant?

MR. COHN. No. What we were looking for, sir, was somebody who knew something about an investigation which we were going to undertake.

MR. WELCH. Then you wanted an investigator.

MR. COHN. No, sir; we wanted somebody who could work on the investigation of the information program.

MR. WELCH. Well, isn't that an investigator, sir? You just used the word. You wanted someone to look into—to make an investigation of this program?

MR. COHN. Yes, sir. No, I didn't—

MR. WELCH. Then what you wanted was an investigator wasn't it?

MR. COHN. I didn't say I wanted someone to make an investigation of it. I said I wanted someone to work on the investigation.

MR. WELCH. On the investigation?

MR. COHN. Yes, sir.

MR. WELCH. If you wanted someone to work on the investigation, what would you like? An investigator?

MR. COHN. Well, sir, on our staff, you would like someone who can do about everything.

MR. WELCH. An investigator is just exactly what you would want, isn't it?

MR. COHN. No exactly, sir. We would want somebody who could do just about everything.

MR. WELCH. I don't understand your use of words. You want to make an investigation, you want to get a hired man to help. Now, don't you want an investigator?

MR. COHN. Perhaps it is my fault and not yours. I am trying to answer questions about how we got into this investigation and what Dave Schine did in connection with it, and I can't do it by these yes-or-no answers.

MR. WELCH. It doesn't seem to be very difficult. I don't mind if you hired an investigator and called him a consultant. I want to know the truth about it. It sounds to me like you needed an investigator; is that right?

Mr. COHN. No, sir.

Mr. WELCH. What else did you need? Did you need a consultant?

Mr. COHN. We needed someone to help us develop this investigation—

Mr. WELCH. Look out. You used the word investigation again. Then you must have needed an investigator, didn't you? Isn't that easy, Mr. Cohn?

Mr. COHN. No, sir; it is not easy.

Mr. WELCH. You can't make up your mind now whether you wanted an investigator or a consultant, is that right?

Mr. COHN. Not only that, sir, I can't make—

Mr. WELCH. Is that right? You can't tell us now whether you wanted an investigator or a consultant?

Mr. COHN. I can tell you very simply what I wanted, sir.

Mr. WELCH. I think perhaps you struggled with it long enough. What was G. David Schine? An investigator, a consultant, or neither?

Mr. COHN. He was one of the people, sir, who aided us in the development of the investigation of the information program which he knew much more about than did I or anyone else on the committee or the staff.

Mr. WELCH. You mean before he came?

Mr. COHN. Yes, sir.

Mr. WELCH. What had been his experience, Mr. Cohn?

Mr. COHN. He had been making a study of the information program of the United States for a period of years, sir.

Mr. WELCH. For whom?

Mr. COHN. I think he did that, sir, because he had a great interest in it. He did it—

Mr. WELCH. I didn't ask you whether he had a great interest. He must have had an interest or he wouldn't be doing it. Who did he do it for?

Mr. COHN. I don't think he did it for anyone.

Mr. WELCH. Just himself?

Mr. COHN. Yes, sir.

Mr. WELCH. Just amusement?

Mr. COHN. I don't think he regarded it as amusement.

Mr. WELCH. He wasn't hired out to anyone to do it?

Mr. COHN. No; he wasn't hired out.

Mr. WELCH. He was just doing it?

Mr. COHN. That is right.

Mr. WELCH. And you learned that some way?

Mr. COHN. I knew about it; yes, sir.

Mr. WELCH. You knew about it?

Mr. COHN. He had drawn up some plans for possible changes in the information program, to use the medium of psychological warfare, in connection with the Communist propaganda. There had been written plans. I know he had submitted those to the State Department and to certain other agencies, and had discussed them with those agencies.

Mr. WELCH. Mr. Cohn, you thought he would be a good man to have, didn't you?

Mr. COHN. I did, sir.

Mr. WELCH. And you wanted him?

Mr. COHN. I did, sir, and I think my judgment was vindicated in what he did in that investigation.

Mr. WELCH. And you hired him?

Mr. COHN. No, sir; I didn't.

Mr. WELCH. Who did? Somebody did.

Mr. COHN. I think the chairman of the committee did.

Mr. WELCH. Why didn't you pay him?

Mr. COHN. We didn't pay him for this reason——

Mr. WELCH. You did pay him? I thought you said you did pay him.

Mr. COHN. No, sir.

Mr. WELCH. Why didn't you pay him?

Mr. COHN. I started to say we didn't pay him for this reason: He had financial means of his own. When the question came up, he said, "I don't want any money. I am glad to do the job. It is a privilege to do the job. I am glad to do it without any money." Period. And we were not going to force the money.

Mr. WELCH. Just by way of comparison, Mr. Cohn, I don't say you are so rich, but you have financial means of your own, too don't you?

Mr. COHN. Yes, sir, I do have certain financial means.

Mr. WELCH. And you take your pay about it?

Mr. COHN. I don't think that is so selfish of me.

Mr. WELCH. Did it occur to you that he would not be so subject to discipline if he were not paid as if he were paid?

Mr. COHN. No, sir.

Senator McCARTHY. Point of order, Mr. Chairman.

Could I ask the counsel from the small town, as he says, whether or not he is receiving pay or whether he is working for nothing at this time?

Mr. WELCH. You have got me there. The answer, Senator, is that I am working without pay.

Mr. COHN. My hat is off to both you and Mr. Schine, sir.

Mr. WELCH. We will score a touché for the Senator.

Senator MUNDT. The point of order is now stated in French——touché. You may continue.

Mr. WELCH. When did he come to work?

Mr. COHN. I think it was about 2 or 3 weeks after I came, sir.

Mr. WELCH. And to whom did he report for his first job?

Mr. COHN. To whom did he report? I think at the beginning, sir, there were a series of——

Mr. WELCH. No; my question is to whom did he report.

Mr. COHN. I am trying to answer it, sir. I think in the beginning there were a series of meetings between Senator McCarthy, Dave Schine, and myself. I don't think there was anybody else from the staff there at that point.

Mr. WELCH. And he got an assignment; is that right? Or assignments?

Mr. COHN. What we did at the beginning, sir, was discuss just what the general problem was and how to go about the investigation.

Mr. COHN. Did he move to Washington?

Mr. COHN. He spent—you see, the Voice of America is located in New York. He spent a lot of time in New York, and spent a lot of time in Washington.

Mr. WELCH. My question is did he move.

Mr. COHN. When he was in Washington, he lived here; when he was in New York he lived there.

Mr. WELCH. I just want to establish it. Did he keep his home in New York and come down here when he wanted to work here?

Mr. COHN. Yes, sir.

Mr. WELCH. That is what he did?

Mr. COHN. Yes, sir.

Mr. WELCH. So the answer is he did not move to Washington?

Mr. COHN. No, sir; he did not give up his New York apartment.

Mr. WELCH. Now, under whom did he go to work, under whose direction? The Senator's?

Mr. COHN. Yes, sir.

Mr. WELCH. And nobody else?

Mr. COHN. I would say that is right, sir.

Mr. WELCH. Did that continue throughout his tenure?

Mr. COHN. Well, there were changes in the situation, Mr. Welch, as there were changes in the staff setup.

Mr. WELCH. Well, did somebody else start in giving him orders at some time?

Mr. COHN. It wasn't so much a question of orders, Mr. Welch. When we started out with the committee I was the chief counsel. But in addition to myself, there was another gentleman who was the general counsel. There were sort of two teams which were working separately on different investigations and different projects. There came a time when there was a change in that setup. We had a staff—a new staff director came who sort of consolidated both teams.

Senator MUNDT. The time has expired. You may conclude your answer.

Mr. COHN. I say a new staff director came who tried to consolidate both teams. He didn't stay long, and then Mr. Carr came.

Senator MUNDT. We will stand in recess until 2 o'clock.

(Whereupon, at 12:36 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

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